

STATE OF NEW YORK

SECOND REPORT

OF THE

FACTORY INVESTIGATING COMMISSION

1913

VOLUME IV

TESTIMONY AND PROCEEDINGS

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MINUTES OF THE NEW YORK STATE FACTORY INVESTIGATING COMMISSION, HELD AT THE ALDERMANIC CHAMBER, CITY HALL, IN THE CITY OF NEW YORK, ON THE 2d DAY OF DECEMBER, 1912.

The following are the members of the above Commission:

HON. ROBERT F. WAGNER, *Chairman*,
HON. ALFRED E. SMITH, *Vice-Chairman*,
HON. CHARLES M. HAMILTON,
HON. EDWARD D. JACKSON,
HON. CYRUS W. PHILLIPS,
MR. SIMON BRENTANO,
MR. ROBERT E. DOWLING,
MR. SAMUEL GOMPERS,
MISS MARY E. DREIER.

HON. ABRAM I. ELKUS, *Counsel to the Commission*.
BERNARD L. SHIENTAG, ESQ., *Assistant Counsel*.
DR. GEORGE M. PRICE, *Director of Investigation*.

NEW YORK, *December 2, 1912.*

The Commission met pursuant to adjournment at the Aldermanic Chamber, City Hall, at 10:30 A. M.

MR. ELKUS: We will first call upon Mr. Mahar, who represents the Schenectady Trades Assembly and who wanted an opportunity to appear before us with reference to the measures under discussion.*

MR. DENNIS M. MAHAR: On Bill No. 6 of the Amended Labor Laws in relation to the organization of the Department of Labor, the organization that I represent in my city has some suggestions they wish me to present here.

*The tentative bills referred to at this hearing are at the end of Volume IV of the Report.

In section 40, they think it would be a good idea if the Labor Commissioner was elected by the People; that the time of his election should be when the Governor of the State of New York runs, and he should be elected for four years. That is one of the suggestions they wished me to bring here.

Another one was on the question of salary, on page 2, line 4, they object most strenuously to \$15,000 for the Labor Commissioner. The Governor of the State of New York only receives \$10,000, and they thought that if this amount of money was put in the bill for a Labor Commissioner, it would probably eliminate the working man from that position, who now holds it, like Commissioner Williams, as a representative of organized labor. It might create a feeling where somebody outside of the labor class would like to have the position, and they object to that part of it, \$15,000.

On page 2, line 13, they object to four deputy commissioners; they think that two deputy commissioners of labor is sufficient for the Labor Department.

They also say, on the question of the \$15,000 as a salary as a Commissioner, if they would reduce the salary from \$15,000 as the bill provides, to about \$7,500, and use the other \$7,500 to employ more factory inspectors, so they could get around throughout the State and investigate factories as it should be done, they would be doing something to help organized labor, the working class especially.

They object to the four deputies as I said; they think two deputy factory commissioners are enough.

They also object to the advisory board that is created in this bill; they think that the advisory board should consist of the heads of departments.

Mr. ELKUS: The heads of the departments?

Mr. MAHAR: Like the first Deputy Factory Commissioner, the Second Deputy Factory Commissioner, the head of the Bureau of Statistics, and whatever heads there are at the head of the different departments of the Labor Department. They think those people are competent enough to act as an advisory board as to the things the laboring class throughout the State would need. If they

should need any assistance, they could employ some experts. They also wish to have it inserted, if possible, that Schenectady be included in the sub-offices. It has one of the biggest mercantile establishments in the State of New York, in the second class cities. It is closely connected to Amsterdam, Ft. Glen, St. Johnsville, Saratoga, and other districts, where the paper manufacturing plants are situated. They think the city of Schenectady should be represented in sub-offices. The proposed bill provides sub-offices in Buffalo, Syracuse and Utica. Schenectady is a bigger city than the city of Utica.

Mr. ELKUS: Does not the act say, "Such other cities as the Commissioner of Labor may designate?"

Mr. MAHAR: Yes; but the Commissioner of Labor no doubt would not designate it. It says in here, Rochester, Syracuse and Utica. It states specifically those three cities, and it says such other cities of the State as they deem advisable.

Mr. ELKUS: You have no objection to the three cities named?

Mr. MAHAR: I do not think they should put in any cities. They ought to leave it to the Commissioner of Labor. It looks like class legislation when they name the three cities. It says, "Such other cities as the Commissioner may deem advisable." Why not let him name the cities, the sub-office should be in.

Mr. ELKUS: Those cities now have sub-offices, haven't they, Mr. Mahar?

Mr. MAHAR: I understand they have supervising factory inspectors, who have just been appointed to that position, in the last year. Up to this last year they have never had any sub-offices in those cities.

Another objection to this bill is that on page 5 it says, "There shall be kept on file in the office of the Department in the city of New York all records and reports and statistics pertaining to the work of the Department of Labor within the first inspection district as above specified, and it gives the Commissioner of Labor discretion to require duplicate copies of all such records, reports, etc., to be filed in his office if he deems fit to say that they should

be filed there." They object to that. They think the Department of Labor should be, the main department of it, should be in the city of Albany, and that all records must be filed in the city of Albany.

Mr. ELKUS: Why? Why should they not be filed in New York city — why should not all records relating to the Department of Labor within that district be filed here?

Mr. MAHAR: It says they shall be filed in the city of New York.

Mr. ELKUS: Why should not they be?

Mr. MAHAR: They think that all these records should be filed —

Mr. ELKUS: Why should not the records about the New York city inspections be filed in New York City?

Mr. MAHAR: We have no objection to the records being filed here, but they think the original record should be filed at the capitol at Albany.

Mr. ELKUS: One of the great objections about the present system is the duplication of records. It takes a great deal of the time of the inspectors duplicating records. As far as we have been able to find out it does not do any good to have duplicates filed in Albany, or the originals in Albany and the duplicates here. The trouble is that they want to inspect the records for use here, and it takes from three days to two weeks to get in touch with Albany and get the records looked up and have a letter written down here now. It was designed to do away with that circumlocution.

Mr. MAHAR: According to these bills, Mr. Counselor, if this bill should go through, the Department at Albany would be in such a position, with increased facilities in regard to help, they would have time to get the duplicate record.

Mr. ELKUS: It is not in Albany the duplication is done. The duplication is done by the inspectors who do the inspecting; instead of doing the inspecting under the present regulations, the time is taken up making duplicate records.

Mr. MAHAR: That was the objection they thought; all records pertaining to the Department of Labor should be filed at the Capitol at Albany, where the department's head is, and the duplicates could stay here.

Mr. ELKUS: That would be satisfactory, if we could do it.

Mr. MAHAR: Another objection to the bill is on page 7: "Inspectors of the first grade shall receive an annual salary of \$1,000 a year." They do not think that is enough; you can hardly live on it; \$1,000 a year is insufficient for any man to be traveling around the State, working for the working people. That is all the suggestions.

The CHAIRMAN: Does not he get his expenses?

Mr. MAHAR: He gets his expenses, but \$1,000 a year is nothing for a mechanic.

Another suggestion they wish to make, and I do not know whether it is in the province of this Commission—something should be done in regard to the examination of factory and mercantile inspectors; they should be given either a fair percentage, like the old soldiers, or volunteer firemen, or else make it compulsory that a man should have five years' experience in a factory, mill or mercantile establishment before he would be eligible for factory inspector.

Mr. ELKUS: You mean the tests are not sufficient, the civil service tests?

Mr. MAHAR: They can take a young man who comes out of school or college, who does not know anything from a practical standpoint in relation to a factory, and he can go and try the examinations and pass way above any working man that has practical knowledge of factories, mills or mercantile establishments.

Mr. ELKUS: You think a certain percentage should be given for practical experience?

Mr. MAHAR: There should be a certain percentage given for practical experience for men trying these examinations. There are a lot of young fellows I know who have tried the examina-

tions of the Department of Labor who do not know the first rudiments about anything in regard to a factory. They probably have not been on the inside of one, and their knowledge has been taken out of books or periodicals; they have not had any practical knowledge of the workings of it, and they think that this should be embodied in the bill, giving them so much per cent. on their examinations, or making it mandatory that he shall have so many years' experience before he is eligible to try that examination. That is all I have to say.

Mr. ELKUS: How about any of the other bills?

Mr. MAHAR: We haven't any objections to the other two bills.

Mr. ELKUS: You approve of the others?

Mr. MAHAR: As far as we could see, yes.

Mr. ELKUS: Mr. Chairman, I neglected to state, before Mr. Mahar was called, very briefly, the purpose of this hearing to-day. We have invited a number of representatives of employees and owners, and also of labor organizations and people interested in the subject to appear before us and give their views on proposed legislation. I may say here, that the bills which have been drafted under the auspices of the Commissions are not bills which have received the approval of the Commission. We have simply put into concrete shape suggestions which have come to us, so that they could be more easily acted upon, and under the direction of the Commission, as you know, Mr. Chairman, we have taken this rather extraordinary procedure of having these hearings upon proposed legislation before the bills are introduced in the houses of the Legislature at Albany, so that everybody may be heard fully upon the subject, and that the legislation may be drafted with everybody's views in mind, and then submitted, and not have the people subjected to a mere hurried hearing before some committee of the Legislature.

The CHAIRMAN: We have called witnesses and had them sworn.

Mr. ELKUS: Yes; we not only did that, but when we had witnesses sworn, we did what has never been done before in a legis-

lative commission, we permitted the cross-examination of those witnesses by counsel for people who were interested on the other side. I think I am safe in saying it has never been done by a legislative commission before, so that we have been more than fair to everybody.

MARY K. SIMKHOVITCH: I came to say a few words in regard to increasing the power of the Department with reference to trade disputes. My suggestion is that in case of a strike occasioned either by reduction of wages, or attempt to secure higher wages, a board of three should thereupon be established by the Department, whose business it should be to make public a report, giving the facts to the public, this board to be composed of one representative of the employers, one representative of the employees, and the third to be appointed by the Department of Labor, subject to veto by either member of the board; the third person to be an expert in the given industry, whose special office shall be to report as to whether the given business should be organized, so as to allow the proposed increase in wages, or allow the prevention of the proposed decrease, with due regard to profit.

The value of this plan would be first of all to give the public a basis for judgment. As it is now, the public is lined up in two tents of sympathizers, on general principle, irrespective of the merits of the case.

Second, while it would not do away with the necessity of a careful study, possibly, by the proposed minimum wage commission, on the other hand it would be likely at once to apply more broadly, considering the injustice likely to be the chief concern of the minimum wage board.

Third, the purpose of the entrance of the minimum wage board into the matter would in all probability work automatically to lessen the number of such disputes.

Fourth, the facts observed and published by such boards would be useful in determining future legislation.

Mr. ELKUS: Do I understand you want a separate board for each strike?

Mrs. SIMKHOVITCH: Separate board for each strike.

Mr. ELKUS: How is that board to be appointed?

Mrs. SIMKHOVITCH: Appointed by the Department of Labor, one representing the employers, one the employees and the third an expert in the given industry.

Mr. ELKUS: The Commissioner of Labor to have the power to appoint in each case?

Mrs. SIMKHOVITCH: The Commissioner of Labor to have the power to appoint this third person, this however to be subject to veto on the part of either side; if the expert was not satisfactory to either side another could be chosen.

Mr. ELKUS: Suppose they could never get one satisfactory to both sides.

Mrs. SIMKHOVITCH: I have not contemplated that.

Mr. ELKUS: That would be rather natural, would it not?

Mrs. SIMKHOVITCH: I do not think so.

Mr. ELKUS: Is not that usually the trouble, when there is a strike to-day and they try to agree on arbitrators, they cannot agree.

Mrs. SIMKHOVITCH: A certain number might be appointed, and then if they did not agree the commissioner of labor would be given power to appoint.

The CHAIRMAN: Of course it would be only a voluntary board, would it not?

Mrs. SIMKHOVITCH: What do you mean?

The CHAIRMAN: You could not compel the working man to submit to arbitration?

Mrs. SIMKHOVITCH: Not at all; the idea is for the purpose of publicity.

Mr. ELKUS: It would be more for investigating purposes than anything else.

Mrs. SIMKHOVITCH: Investigating purposes and to give the results to the public. As it is now no one has any idea, as to the merits of the question, and it depends entirely upon one's personal sympathy.

Mr. ELKUS: Do you think that two of those men, which two of course would be partial members, one representing the employees and one the employers, they would be partial, then you would have to rely entirely upon this third man, who is supposed to be an expert, and would have to be agreeable to both sides.

Mrs. SIMKHOVITCH: I should think that the findings would represent all the views.

Mr. ELKUS: I know, but it would represent two, I suppose, a majority of the three.

Mrs. SIMKHOVITCH: It might represent all three. There would be no objection to a minority report being published.

Mr. ELKUS: The facts would become public. Don't you think if we had an advisory board of the Department of Labor, as provided in one of these bills, that that advisory board could do the same thing without having a new board appointed each time?

Mrs. SIMKHOVITCH: No; I do not. I think that the merits of this plan would have the effect of the employer of the given industry and the employee of the given industry being represented, and instead of having one group to cover the whole thing you would have these individual groups.

Mr. ELKUS: I agree that the employee and the employer should have representatives, but do not they have them when they appear before the advisory board — each side has its representative. If you have your board made up of one member selected by the employees, and one selected by the employers, those two men are not in a position to judge at all; they are advocates.

Mrs. SIMKHOVITCH: Certainly.

Mr. ELKUS: You might as well not have them; they are only in a nominal position as judges — why not put them in their real

position as advocates appearing before a board, which is really a board of judges.

Mrs. SIMKHOVITCH: This plan, if it has any merits, consists of this fact, that this third person, who would be an expert in a given industry, would be able to judge as a general person would not; anybody who just represents the public really does not know anything about it.

Mr. ELKUS: Is the objection to the fact that the board is permanent, the advisory board? Is that the objection?

Mrs. SIMKHOVITCH: I do not think I am qualified to say as to that. That is, what I have to say would not be in opposition to the advisory board, but rather in favor of this plan.

Commissioner DREIER: Do you mean to say this board is to have the right to open the books and find out the facts?

Mrs. SIMKHOVITCH: Yes.

Commissioner DREIER: Just to judge whether they should be paying higher wages than the dividends would allow?

Mrs. SIMKHOVITCH: The expert would be more likely to know that than anyone else. At any rate, that report would be made, and on the basis of that, the public judgment would be given. The probability is that in that case, in the case of a given industry, rather than subject themselves to having the books opened, the dispute would be settled beforehand.

The CHAIRMAN: There are some interesting legal questions in that, as to whether we can compel manufacturers to open their books.

Mr. P. TECUMSEH SHERMAN, Ex-Commissioner of Labor: I came to-day to plead for a little more elastic organization of the Department of Labor than your bills indicate or would produce, and also to point out at the same time that your bills as proposed would rather overbalance, or carry the organization of the Department of Labor away from the subject of accident prevention. I will touch on that in conclusion.

I think the organization should be as logical as possible, but particularly should be practicable. I think you should also try

to keep your bureaus to conform to the bureaus of other States as much as possible, for the purpose of comparison in the lines of their work.

It is logical to divide the main work of the Department of Labor into that of inspection and enforcement of laws, into information and investigation, statistics and statistical investigation, into mediation and immigration problems, and perhaps later the Department might take up the subject of distribution of labor. But that logical division does not seem to me to be exactly practical.

Mr. ELKUS: Do you mind if I interrupt you a moment?

Mr. SHERMAN: Not at all.

Mr. ELKUS: Have you seen this chart, showing how the Labor Department would be reorganized under that bill?

Mr. SHERMAN: Yes.

Mr. ELKUS: This is the bureau of inspection.

Mr. SHERMAN (After examining the chart): The bureau of inspection of the Department of Labor. Now, my idea would be a little more on the lines of the existing organization of the Department. I think that the bureau of statistics should be practically a bureau of information, to compile statistics of labor, and to make special investigations. The factory inspectors, those who enforce the law, are diverted whenever you send them out on an investigation, so you want a separate bureau of investigation. It seems to me that the bureau of labor statistics should be the bureau of investigation, and also to compile and disseminate information as much as possible.

I think there should be one bureau of factory inspection, about as it is now, covering factories and workshops, home manufacturing, laundries, mines, quarries, tunnels and public works. I think that organization is about the English organization, and it is about the best.

Mr. ELKUS: Do you mind my interrupting you as you speak of those things? We separate those from the mercantile establishments. A statement has been made to us that in some of

these mercantile establishments they have manufacturing establishments within them — that is, the department store has a dress-making establishment, and they are now investigated by two sets of inspectors. Do you think it would be possible to make some arrangement by which those establishments could be inspected by one set of inspectors?

Mr. SHERMAN: That would be desirable in many ways, and on the other hand, if you throw the commercial inspection bureau into the factory inspection bureau, you are putting one class of inspectors on a little bit too broad a field to work. I think if you keep the factory inspectors generally for factories, mercantile inspectors for mercantile establishments, that you will probably get a little more specialized line of work out of them. I do not know whether the bureau of mercantile inspection should necessarily be separate from the bureau of factory inspection, but I think it is a little more convenient statistically, and a little more convenient in an administrative way, to have it separated.

Of course we come now to the question of the experts in the Department. That is, you want some mechanical engineers, you want sanitary engineers, you want ventilating engineers, and you want a medical officer, and you want chemists. The question is how should you organize them? Should you organize them as a separate bureau as suggested here, separate division, or should you simply put them under a Commissioner of Labor and let the Commissioner of Labor assign them to various bureaus as need be? You have counsel in the Department; that counsel also it seems to me should be the counsel under the Commissioner of Labor to be assigned to the different bureaus as may need be.

I think you want to have technical bureau heads, conducting their special line of work, with a sort of central reservoir of experts for him to draw on. I do not like the idea of having a commission, instead of a commissioner, I think, as suggested in a pamphlet here.

Mr. ELKUS: Yes; but not by the Factory Commission; it has not been suggested by these bills.

Mr. SHERMAN: No; it has not been suggested by your bills.

Mr. ELKUS: You do not approve of the commission idea?

Mr. SHERMAN: I am in favor of having a commissioner. I think, as to the salary of the commissioner, that the bill puts it a little high, \$15,000. I think that is a little too rich a plum. I got \$3,500, which was altogether too low. I think it should be something like \$10,000, or \$8,000, at least, along there.

I rather like, myself, the idea of having pretty permanent bureau chiefs, rather than deputy commissioners; you might have the bureau chiefs perform the duty of deputy commissioners; but when you get in the thoroughly equipped and organized bureau of factory inspection, it will be a pretty big thing, and if it is well conducted under a good bureau head, you do not want him to be very low down in the scale of organization; he ought to come pretty close in rank to the Commissioner of Labor, and I would like to see your bureau head magnified in importance and dignity and everything else, as much as you can.

The Commissioner of Labor himself — it must be worse now — but the Commissioner of Labor himself had to go through the pay accounts; he had about eight hours of routine work a day before he could get down to any technical questions, about permits and transfers, and everything like that; so that the technical work will fall on the bureau heads, and you want pretty good, big men for those jobs; you want to leave them there pretty permanently, and I think I would try to magnify their office.

Mr. ELKUS: What salary ought they to get?

Mr. SHERMAN: That depends on what you can get them for. I would like to see bureau chiefs get at least \$5,000 a year — I think they ought to. Of course if their tenure of office is certain and long, it would not require quite so much.

Mr. ELKUS: A suggestion was made a moment ago that the Labor Commissioner ought to be elected, and not appointed; do you believe in that?

Mr. SHERMAN: I do not think that is right. I think he is a part of the State Administration. I would like to see the present rule we have of regular terms of office for the heads of departments abolished, and have each Governor appoint his own administrative heads, so that he would be responsible for his own adminis-

tration and appoint men accordingly. That is my political idea on that subject.

The CHAIRMAN: That is at variance with the ideas of many, who advocate the taking of the Department of Labor out of politics.

Mr. SHERMAN: The Commissioner of Labor is essentially, I think, a part of the political administration of the State. The factory inspectors and the heads of bureaus I think, should be taken out of politics altogether. The Commissioner of Labor, after all, is really the executive or administrative department in a limited field, and the Governor of the State, being the head of the administration, ought to administer the department through a person of his own choice — the same thing in Washington, you have the secretary of so and so, and the secretary of so and so.

The CHAIRMAN: Your idea is, that as long as he is held responsible by the people, he ought to be permitted to make his own appointments.

Mr. SHERMAN: If he did not appoint the right men, vote against him.

I do not believe at all in dividing the State into two districts — New York city, and the rest of the State. Long Island would have to be thrown in with New York city, for the purpose of convenience. It would simply duplicate your whole organization, whereas you very easily, with one department and one bureau, govern the whole State, have one man with certain functions for the whole State. I am sure there would be a lot of positions you would have to duplicate if you split your department in two. I do not think, either, it would be so great and dignified a department. I do not think the Bureau of Factory Inspection would rank so well throughout the country as it does now. I do not believe in your saying that we shall have a deputy in New York or a deputy in Buffalo, or saying that records shall be kept in New York, or records shall be kept anywhere. I believe in leaving all that to the Commissioner of Labor.

The trouble in the past has been: We have not had clerical force enough — we have not had offices around in different places, everything had to go to the home office and come back. In my day

a report or anything coming from the office in Buffalo, sometimes a week at a time there was not anybody in Buffalo.

If you have an adequate force and have branch offices and let the Commissioner work it out as best he can, he can work it out much better than we can think it out in advance. If you want to get the Department of Labor more efficient, there is just one easy thing to do, and that is to give it adequate office space at Albany. The office space there is wretchedly inadequate; they cannot do the work, so they really need better offices there, and that mere change in my opinion, would make a great deal of difference in the clerical efficiency, and in the dispatch of business. I think if any of you will go up and see the way they are crowded in the offices up there you will see exactly what the difficulty is with that force.

Now, you have two boards; you have a provision for an advisory board of safety experts. I believe thoroughly in such a board. I also believe in a corresponding board of sanitary experts. I think, leaving the sanitation part aside for the moment, if you take the Factory Laws, the laws for mechanical safety in factories, you will find that in your bills you scarcely touch on that, and the reason for that is that you cannot get any points on it. Neither can anybody give you very much in the law telling people how to run their own business, so you have got to have sort of general laws, rather elastic provisions, and then it comes pretty close to the delegation of the power of legislation, but you can't prevent that, I think.

Mr. ELKUS: Have you read bill No. 18, Mr. Sherman, the bill in relation to the protection of employees operating machinery, dust creating machinery, and the lighting of factories and work-rooms?

Mr. SHERMAN: Well, yes; I have read that. That is pretty fair, but like all other laws of that kind, it does not mean much when you see the machinery. If you go and look over machinery, these specific laws do not convey much to your minds. If you go in and say everything shall be boxed and guarded, then they cannot run their machinery. Where shall they guard and where shall they not guard? The whole problem is too intricate, too complex.

Mr. ELKUS: That is left, isn't it, to the advisory board, and they can provide for that by rules and regulations.

Mr. SHERMAN: Yes; you have to provide some such general provision as this, then let the advisory board say that provision so and so applies here and it does not apply there. The English have practically the same thing in their orders from the home office.

Mr. ELKUS: Have you noticed this provision in this act: "The advisory board may, pursuant to the provision of this chapter, from time to time, make and from time to time change or modify, rules and regulations to govern the installation, position, operation, guarding and use of machines, and the machinery in operation in all factories," etc.; that is what you refer to?

Mr. SHERMAN: That is what I want, yes.

Mr. ELKUS: That is what is in this bill.

Mr. SHERMAN: We want something like that, and the reason for it is this: The only two countries where they have made much progress is in England, where they have the elastic rules and the rulings of the home office; and in Germany, where the Employers' Mutual Insurance Associations make their own rules; that is, they make the rules for safety, and they inspect and enforce those rules; they are elastic. We have got to get something like that, both as to sanitation and as to safety, in order to be able to enforce the laws, which rules will do more good than harm.

Now, in this connection I would like to call your attention to the proposed safety law of the Civic Federation which touches on this question of organization, in regard to safety. That bill was drawn by quite a number of experts in machinery, and things like that. I am not qualified to judge its mechanical part, but I think in substance, in stating the fundamental rules for safety, particularly, I am talking about the mechanical features, I think it does better than your bill, and I would recommend that bill, in substance, not in form.

Now, it strikes me that in all your bills here, taken as a whole, you are going very far in regard to structural safety; you are going very far in regard to the comforts of workmen; you are making great advances in regard to sanitation; but when you get to

the mechanical safety part, you, like everybody else, myself included, are hesitating, not progressing much.

I think the result, if you adopt the bills the way they are, would be to throw the work of the department of labor too much away from this question of mechanical safety. Now, it is a great question in my mind. I had no idea when I became Commissioner of Labor, that we were maiming and killing a very large number of people. That does not make much impression on the public. When a building burns and fifty or one hundred people are killed, we are all aghast, but when a thousand people engaged in manufacturing are laid up, or something like that, we do not pay any attention to it.

Now, the history of the world shows destruction by industry, is not standing still; it is progressing. Work is becoming more and more dangerous everywhere. It should be checked but it is a very hard and complicated problem to check it.

I urge on you that you give the greatest importance to that side of the subject. Equip a Department of Labor, a Bureau of Factory Inspection, particularly with the most competent men, and emphasize that feature particularly.

Mr. ELKUS: Have you any idea how many men are killed each year by reason of improper safe guarding of machinery?

Mr. SHERMAN: Nobody knows. After the Germans had been working under their improved laws for fifteen years, they finally said they thought they had checked the progress of that. In my opinion it is not a thing that you can just stand men around and tell the employees to do this, that and the other; it is like checking a disease, or something of that kind — you have to be very expert, and have to have your machinery well adapted. In my opinion you have to have experience; that is another side of the same thing.

Mr. ELKUS: Mr. Sherman, I understand you appear here as the official representative of the National Civic Federation.

Mr. SHERMAN: I appear here for them; yes.

Mr. ELKUS: About the other bills; have you examined them at all?

Mr. SHERMAN: I have examined them, and gone over them with your assistant counsel.

Mr. ELKUS: You approve of the general principles of these bills?

Mr. SHERMAN: I really think with that Civic Federation bill, the central forum, you would get a good many very valuable suggestions from it, and if you have it more elaborately drafted, it would improve on your safety act.

Mr. ELKUS: Now, we will call upon Professor Winslow.

CHARLES EDWARD EMORY WINSLOW (Of the College of the City of New York).

Mr. ELKUS: You want to be heard with reference to some of these proposed bills?

Prof. WINSLOW: Yes; I would like to say a word particularly about the bill providing for the advisory board and the bill in relation to industrial hygiene. It seems to me that this bill for the advisory board is not only the most important thing that has come up in this State, but in the United States, with one exception, in regard to factory hygiene; that only exception is the Wisconsin Industrial Commission.

I think we have the chance in this State to stand with Wisconsin in the lead among all the States of this country, and I think the time is ripe for the influence of New York to exert a very great influence.

This bill, it seems to me, in principle, is thoroughly sound. In this matter we must have flexibility of ordinances. I do not think it is possible effectually to regulate factory sanitation by statute; that is, the details are too numerous to be safely enumerated in the statute. There must be, it seems to me, some small expert body. Those duties cannot be entrusted to a single man, because the powers are too great.

It is not feasible, I do not believe it is wise, to vest power to frame specific regulations in the hands of one commissioner; therefore it seems to me some plan, such as this one, or the plan in Wisconsin, is the only adequate method of dealing with this important question, of factory sanitation.

I want, however, to suggest two modifications of the proposed bill as it stands. It does not seem to me wise to give the commissioner a veto power over the action of the advisory board. If you do that you cannot get the proper kind of people to serve on that board.

Mr. ELKUS: You think the advisory board ought to be the supreme power?

Prof. WINSLOW: No; I should suggest the Commissioner be made chairman of that board, and then the board to be the supreme power. Otherwise, either the Commissioner would be a mere figurehead or the board will have its influence reduced to nothing. You want first-class men on this board; you want men like the men of the State Board of Health in Massachusetts, men to whom a small payment will be nothing. You cannot get the right kind of advice unless the men have some power. If they are to be overruled by the Commissioner you cannot get the right sort of service. The Commissioner should be the chairman *ex officio* of the board. That is precisely the arrangement we have in this city in connection with the Board of Health which consists of the commissioner and two or three members who frame ordinances.

Mr. ELKUS: Isn't the result of the arrangement here that the health commissioner does whatever he pleases, and the other two coincide — they rarely ever come to a meeting.

Prof. WINSLOW: No; I think it is not true about not coming to the meetings. I think as a rule the opinion of the commissioner prevails; I think it should prevail, I think on the Factory Commission, as a rule it should prevail; but you have the commission or board, to check the commissioner if he does go wrong — a member representing the employer, one representing the employees, one representing medicine, and engineering; they should be there to check the commissioner if he does go wrong and to support and protect him if he does right.

Mr. ELKUS: The constitution of the board as provided in this bill, do you approve of that?

Prof. WINSLOW: Yes; I think that is very excellent. I think the only other suggestion about that part is that the board should have power specifically to call in either voluntary committees or experts, if it deems it necessary to do so, to advise it, this board being analagous to a board of directors, which could not represent all the expert opinion you want, but would represent the viewpoints as contrasted with the details.

If the commissioner were the chairman of that board with no veto power, and if that board had the power to get expert advice, either free or paid, it seems to me you would have an ideal piece of machinery for dealing with these questions.

In regard to the regulations which were submitted to me in typewriting, in regard to the control of dangerous trades, those again seem to me excellent, with one criticism. Those consist, as I remember it, of four sections, the fourth one dealing with medical examinations. It seems to me that goes altogether too much in detail, that fourth provision. I think it will be objected to by employers; I think it will be objected to by physicians, and rightly. The whole object of having the advisory board is to keep those minor details out of the law. I should recommend that the advisory board be given power to frame such regulations for medical supervision as it may deem wise, just as it has the other powers, but I do not think that should be specified in detail in the law, at any rate, and if it is specified, I do not agree at all with the way it is specified in your draft. Otherwise, however, these provisions seem to me excellent; I am very strongly in favor of the advisory board and the general provisions, with that one exception.

Mr. ELKUS: What do you think of the bureau of hygiene, of industrial hygiene, and also the bureau of medical inspection?

Prof. WINSLOW: That seems to me very wise; of course I am not sure again about the details, as to salaries of particular men, but I think the general plan is a good one.

The CHAIRMAN: Before the next witness is called, I think in justice to the commission, we ought to make a short statement. Since the cannery disclosures were printed in the newspapers, and have stirred the State somewhat, for which I think our Commis-

sion is very thankful, because it will result I hope in some legislation improving those conditions, I as chairman, I suppose counsel too, have received some letters, many of them commending our work, and some of them questioning the accuracy of the testimony as presented.

I feel, therefore, that the public should know the circumstances under which those hearings were held. The inspectors on behalf of the Factory Commission, who made the inspections and thereafter testified before the Commission, testified on a day when all the canners of the State were invited to be present at the hearing, and during the time that the testimony was given by our inspectors, every canner, I believe twenty-seven of them, or twenty-eight, were present, composing the largest canners in the State.

Mr. ELKUS: Practically all of them.

The CHAIRMAN: And they were also represented by counsel. The Committee went farther, and as Mr. Elkus stated in the opening, farther than any legislative committee ever did before. We gave the counsel of the canners the right and privilege of cross-examining the witnesses whom we had produced, and gave them the right to attack their credibility or attack any facts which they alleged. We also gave them the right to produce any witnesses they had for the purpose of either contradicting or offering any other kind of testimony which they desired, and the result was that after the hearing was over, none of the facts which were testified to by our inspectors were contradicted by any of the testimony offered. In addition to that the only witnesses called by the canners, if anything, corroborated our witnesses, and indeed favored certain legislation which we proposed. I think that ought to be generally known, and in addition to that, the Commission invites any canner or anybody else who doubts any of the disclosures made and who has any evidence to produce of their inaccuracy or impeaching their accuracy, to come down at any time, at any hearing we may have, and we shall hear them.

Mr. ELKUS: Mr. Chairman, I am very glad you made that statement, and with your permission, may I supplement it by a few additional facts. May I call your attention to this, that in addition, the Commission employed Mr. Potter, who supervised

the most thorough inspection of all of the canneries of the State, and who was at work at it for months. The Commission itself visited the entire canning district last Summer and saw the conditions under which canning was going on. You saw the children at work yourself in these so called sheds, and various other members saw them at work, and we ourselves examined the books of the canners, and examined the canners themselves in their own establishments, and discovered the existence of the falsification of the books, showing that the employes ostensibly only worked sixty hours a week, when in the back of the books was kept a record that showed that they worked 119, 110 and 100 hours a week, and at the hearing this was admitted.

May I also call your attention to this fact, that the canners have an association which was represented at the hearing in Albany; that this association together with all the canners in and out of the association employed distinguished counsel, who after cross examining Mr. Potter at length as to the results of his investigation, said that his testimony was absolutely fair, and described the conditions as they actually exist.

Then we had in addition, the testimony of Miss Chamberlain, who actually worked in one or more of these factories, and who told what she actually saw. The employer of Miss Chamberlain in whose factory she worked for two weeks was actually present at the hearing, and heard her testimony, and heard her describe the conditions of this cannery, and the conditions of the laboring people and the children of very tender age who worked there under her eyes, and he did not contradict her testimony. Miss Chamberlain's cross examination by the counsel for that canner was limited to two or three questions. He stated, as I remember it, that her testimony was substantially accurate. It was accurate.

In view of all these conditions, I do not see how anybody can say that the investigation was not absolutely fair, and as I remember it, the counsel for the association thanked the Commission for the fair and full opportunity they had to present their side of the case.

The only witness which they called out of the 25 canners present was one who said himself that he did not believe children

should be permitted to labor in the canneries, who were under ten years of age, or under fourteen years of age; that he had none of them in his cannery and he did not think they ought to be allowed in any, even for one day, under the conditions as described by Miss Chamberlain. If they want to come again, I assume, Mr. Chairman, they will be welcome.

The CHAIRMAN: As the chair stated, at any time at all.

JAMES L. GERNON (Mercantile Inspector of the Department of Labor).

Mr. ELKUS: You are the head of the Bureau of Mercantile Inspection.

Mr. GERNON: Yes.

Mr. ELKUS: Of the Labor Department of the State of New York?

Mr. GERNON: Yes.

Mr. ELKUS: How long have you been there?

Mr. GERNON: Four years and over.

Mr. ELKUS: Was that when the Bureau was organized?

Mr. GERNON: Yes.

Mr. ELKUS: What was your experience before that?

Mr. GERNON: I have been a factory inspector.

Mr. ELKUS: You have been asked to present certain reports and bring certain facts before the Commission. Will you be good enough to state them?

Mr. GERNON: I was asked by the Commission to prepare a report for past six months.

I have just completed the yearly report, which to my mind gives the figures in better shape, if satisfactory to the Commission. Do you want the figures for six months, or a year?

Mr. SHIENTAG: We will take them both, if you have them.

Mr. GERNON: The figures for the last six months show a greater proportion than the figures for the year. At the beginning of the year, or prior to Christmas, we inspect the larger stores, consequently we do not make as many inspections or do not show as many orders. The reason I say it will be well to take the yearly figures, is that the figures for the six months show much more favorably than the figures for a year.

Mr. SHIENTAG: Will you tell us briefly the jurisdiction of your bureau and what it does?

Mr. GERNON: We have jurisdiction over mercantile establishments, hotels, restaurants, apartment houses, bowling alleys, places of amusement, shoe polishing.

Mr. SHIENTAG: In what cities?

Mr. GERNON: New York, Buffalo and Rochester.

Mr. SHIENTAG: How many inspectors have you under your charge?

Mr. GERNON: Eight, nine since the first of October last.

Mr. SHIENTAG: How often do you manage to inspect the establishments under your supervision?

Mr. GERNON: A certain class of stores, we make an inspection every year. In four years we have not been able to cover all the mercantile establishments in the cities.

Mr. SHIENTAG: Will you tell us briefly in what way you think the bureau should be improved, and what recommendations you have to make for remedial legislation?

Mr. GERNON: In four years we have not been able to cover all the mercantile establishments in the three cities under our jurisdiction at the present time.

Mr. SHIENTAG: In other words there are some stores you have not visited in four years in those cities.

Mr. GERNON: In four years we have not covered all the stores.

Commissioner DREIER: What does the law define?

Mr. GERNON: At the present time we touch child labor and sanitary conditions.

Commissioner DREIER: What does it define as to your authority in mercantile establishments?

Mr. GERNON: We have jurisdiction over the child labor problem, the hours of women.

Mr. SHIENTAG: What is the definition of mercantile establishment in the law?

Mr. GERNON: Any place where goods, wares and merchandise are offered for sale.

Mr. SHIENTAG: Without regard to the number of employees?

Mr. GERNON: Without regard to the number of employees.

Commissioner DOWLING: Did you say apartment houses?

Mr. GERNON: Yes.

Mr. DOWLING: What feature?

Mr. GERNON: We will be confined to child labor, in apartment houses.

Commissioner DOWLING: You have had a maximum number of inspectors of eight in the last four years?

Mr. GERNON: Yes; we have nine now, since the first of October.

Mr. SHIENTAG: You cannot cover the ground with the force?

Mr. GERNON: We cannot even file the violations. The percentage of child labor has never been less than 40 per cent. Four years ago the percentage of child labor illegally employed was 51 per cent.; the next year it was 49 per cent. This year it is 42.6 per cent. This year they have added on shoe shining and barber shops, and that has been responsible I believe for increasing the percentage this year.

It should be borne in mind that there is a certain class of stores we investigate each year; they are the larger department stores. They will average, taking twenty-one of these stores

that are in New York City, they run from 7,216 employees down to 584 employees. The children employed in those establishments vary from 1,009 to 5.

When you take this great number of children out of that class of establishment we cover each year, it is hard to tell what the percentage of illegal child labor is, in this work. It is much larger than it is in factories. There seems to be a disposition on the part of many merchants to employ children, and to employ them illegally.

We have never been able to cover the offices. We take in business offices. We have not enough inspectors for this work to cover the offices in this city, and that is illustrated this way. We have made 38,816 mercantile inspections; we have made 1,066 office inspections. Most of those office inspections are telegraph offices, some large offices, the largest office we have inspected had about 1,700 employees. We do not attempt to cover the offices because we cannot even cover the mercantile establishments. We cover an office on a complaint or we cover an office if it happens to be in some building alongside of some mercantile inspection that we might make.

I do not mean to say all these children, the 1,009 down to 5, were illegally employed; they were legally employed all right.

MR. SHIENTAG: What proportion of the children that you found at work were illegally employed?

MR. GERNON: I just said, this past year, 42.6 per cent. of all the children found employed were illegally employed.

Commissioner DREIER: Do you mean that is in addition to the 1,000 that were employed, in and about your total number employed, of 37,000 in twenty-three department stores?

MR. GERNON: Twenty-one department stores.

Commissioner DREIER: You gave as a total number of employees, an average, the highest of about 7,000 down to about 500.

MR. GERNON: What I tried to show was, in those twenty-one stores there are many thousand children employed legally. These stores are covered every year. If we take out that large number of

children in those twenty-one stores, the percentage of illegal employment in the State in general is every large. We cover these each year; each year our percentage was over 41 per cent.

Commissioner DREIER: In these stores?

Mr. GERNON: In the stores in general, not these stores.

Commissioner DREIER: Of all employed wherever you made inspection?

Mr. GERNON: I can say since the organization of this bureau, these stores obey the law. Very few violations have been found in them after the first year we started.

Commissioner DREIER: Practically, the illegal employment of children is found chiefly outside of the department stores.

Mr. GERNON: Yes; of this large group of stores. I have noted some changes I think should be made in the law: Section 161, children to be prohibited from employment in bowling alleys, hotels, and from employment covered in section 161-A. Now, we find quite a few children in bowling alleys. In my judgment it is no place for a child. The law should be changed.

Mr. SHIENTAG: Do you inspect bowling alleys now as a mercantile inspector?

Mr. GERNON: Yes.

Mr. SHIENTAG: The children work only for a few hours?

Mr. GERNON: They work at night, principally at night. We have found children in bowling alleys under fourteen, many of them.

Commissioner DOWLING: Both girls and boys?

Mr. GERNON: No; only boys in bowling alleys.

Commissioner DREIER: We are somewhat confused as to what you mean by 40 per cent. Is it of all the children you found working in the department stores, 42 per cent. were illegally employed?

Mr. GERNON: I do not mean in department stores; or mercantile establishments. These are included in the number of legally employed.

Mr. ELKUS: Mr. Gernon, would not it be possible to have better results with one bureau of inspection in the labor department, with perhaps a subdivision for mercantile establishments, instead of having a separate bureau?

Mr. GERNON: Well, I think that this work would be better kept separate.

Mr. ELKUS: Let me ask you: In some of the establishments you inspect, under the heading of mercantile establishments, they are also inspected by the labor department inspectors for factory inspection, are they not?

Mr. GERNON: They are not now; we take in the factory work in connection with department stores, mercantile inspection.

Mr. ELKUS: I was told on Saturday by a representative of the department stores, that they were now subjected and had been in the last week or two to two inspections, one by the factory inspector because they had a dressmaking department and the other by your bureau because they were a mercantile establishment.

Mr. GERNON: That is not true since the middle part of October, or November — about the first of November; the mercantile inspector takes in all the factory work in the department stores, and mercantile work too.

Mr. ELKUS: So your people are really factory inspecting as well as mercantile inspecting?

Mr. GERNON: As far as department stores are concerned; they cannot make factory inspection outside of department stores, but department stores in connection with factory work.

Mr. ELKUS: What are the hours of your inspectors?

Mr. GERNON: That is hard to say. They are out sometimes at 4 o'clock in the morning, and sometimes at 10 o'clock at night.

Mr. ELKUS: Not frequently?

Mr. GERNON: Yes; quite frequently.

Mr. ELKUS: Do they do office work as well as field work?

Mr. GERNON: No; not the inspectors.

Mr. ELKUS: How about making out their own reports?

Mr. GERNON: They have to make out their own reports.

Mr. ELKUS: Do they do that at home?

Mr. GERNON: At home.

Mr. ELKUS: That you include in their hours of labor, don't you?

Mr. GERNON: Yes.

Mr. ELKUS: You rely on their statement to you, of how long it takes them?

Mr. GERNON: Yes; but we keep pretty close tabs on what they are doing.

Mr. ELKUS: Do you have a list of establishments to inspect, or do you go in the street and go from door to door, or what?

Mr. GERNON: No, with a small force we cannot do that. For instance, a mercantile inspection district is from Twentieth street to the Battery, both sides, east and west — all of Manhattan below Twentieth street. It is an impossibility for any human being to cover that territory. Now, we have complaints coming from time to time, and we have requests coming in from people for a re-inspection or modification of an order. As the inspector goes to that part of the city, we have no objection to him making an inspection there if he finds violations.

Mr. ELKUS: There is no systematic method of inspection at all?

Mr. GERNON: With the present force we cannot do it.

Mr. ELKUS: We are not finding any fault about it; but that is a fact, it is done in a haphazard sort of way, without method.

Mr. GERNON: No; I would not say haphazard.

Mr. ELKUS: What is the method.

Mr. ELKUS: The method is they must cover all the largest stores within the inspection year. They must patrol the district to find violations before 8 a. m. and after 7 p. m. for children, and after 10 p. m. for women under twenty-one.

Mr. ELKUS: How many inspectors would you need to cover all the establishments?

Mr. GERNON: That would be hard to say. If we had enough to cover New York city in one year, we would be able to judge. In four years we have not been able to cover all the establishments. I should say we should have at least thirty inspectors to cover the three cities we have now.

Mr. ELKUS: Do you do anything about ventilation at all?

Mr. GERNON: Yes; in basements.

Mr. ELKUS: Have you got any tests about that?

Mr. GERNON: We have a chemist, a doctor, to go over it and make tests.

I make a recommendation that we take away the power from the Commissioner of Labor to permit the proprietor to use the basements when properly ventilated and in sanitary condition. It would be much better if we have a proper law, and provide for proper ventilation, not only of the basement, but the rest of the building. If I go into a basement and say it is not properly ventilated, it becomes the question between the proprietor and myself as to who is right. We would not attempt to revoke a permit without making proper tests. While there is no standard set in the law, it is still a question of judgment between the department and the proprietor.

Mr. ELKUS: Do you have any conflict at all with the local health departments?

Mr. GERNON: No. There is this condition we find, the law was amended, section 168 relating to toilets. Formerly for two

years we could not order a toilet in any place unless there were women and children employed. Now, it applies to all employees, consequently we have issued orders. In many butcher shops the Board of Health has ordered the closet out of the butcher shop, and we come along and order one in.

Mr. ELKUS: That is a little conflict?

Mr. GERNON: That is a conflict in this way. It does not seem to me that the Board of Health has improved the conditions, as I say in my report, because we find very bad conditions where those closets are ordered out.

Mr. ELKUS: Whose orders govern? You say you order a toilet in and the Board of Health orders it out; what is the end finally?

Mr. GERNON: Well, generally we find the evidence of the closet that has been removed. Many times we find the partition, the rooms spaced off.

Mr. ELKUS: What I want to know is, whose rule governs finally? Whose orders come out ahead? Does the man put the closet in take it out?

Mr. GERNON: He takes the closet out.

Mr. ELKUS: Then the local Board of Health orders override yours?

Mr. GERNON: Well, they have taken it out sometimes previous to our orders.

Mr. ELKUS: Then you order the closet back again?

Mr. GERNON: We order the closet.

Mr. ELKUS: If the man puts it back, does the Board of Health come along and order it out again?

Mr. GERNON: Under our section of the law, we cannot compel them to put the closet in the store; it says convenient and accessible.

The CHAIRMAN: The Board of Health in New York city, would not permit the plumber to put it in?

Mr. ELKUS: Could not get a permit.

The CHAIRMAN: No.

Mr. ELKUS: What do you suggest should be done about that conflict, to do away with it?

Mr. GERNON: It seems from our experience it would have been much better if the Department of Health were to have compelled owners of premises to properly enclose water closets and have some proper ventilation to the open air. The plumbing should be kept in proper repair and the occupants be held responsible for keeping the same clean at all times. It does not appear from our observation that the attitude of the Board of Health in reference to butcher shops has been applied to grocery stores, cigar stores, restaurants or lunch rooms, although the conditions found by the inspectors of this bureau in many places of this character have been deplorable.

Mr. ELKUS: Mr. Gernon, is it possible now in any way to improve the hours of work in a mercantile establishment?

Mr. GERNON: No.

Mr. ELKUS: Why not?

Mr. GERNON: Unless the inspector stands there and watches them be employed.

Mr. ELKUS: You mean he would have to stay there all day long?

Mr. GERNON: Would have to prove that they worked more than ten hours a day or more than sixty hours a week.

Mr. ELKUS: Do you believe in the Fifty-four Hour Law being applied to mercantile establishments for women?

Mr. GERNON: I would say yes. Some of the largest stores do not work women that, in the actual time the store is open.

Mr. ELKUS: They work about fifty-three hours a week, don't they, the largest stores?

Mr. GERNON: Most of the larger stores.

Mr. ELKUS: How about at certain seasons of the year?

Mr. GERNON: You mean the Christmas season?

Mr. ELKUS: Christmas time.

Mr. GERNON: Well, from my experience in talking to the merchants, many of them seem to think that is unnecessary. The great difficulty with merchants on the early closing proposition is that they cannot do it by agreement, if there was some legal requirement they would be perfectly willing to do it.

Mr. ELKUS: In other words, if the law said they had to close early, they would all do it, and would not suffer from it?

Mr. GERNON: I think I would be safe in saying over a thousand merchants told me they would welcome a law that would close their stores at a given time, but they cannot do it by agreement.

Mr. ELKUS: The question is, is that a constitutional law?

Mr. GERNON: That I will leave for the Legislature. The difficulty is this, on the hour question. The inspector must watch the employees all day to prove over ten hours, or over sixty hours a week. We have a number of prosecutions for before seven o'clock, or after seven o'clock for children, and after ten o'clock for females, and before eight in the morning — that is females under twenty-one. I have the total of the prosecutions, showing the character of business.

Mr. ELKUS: We will ask you to file that with us. Do you think there ought to be compulsory time checks kept in those establishments?

Mr. GERNON: The present system now is to ring in in the morning, ring out at noon, ring back at noon, and not ring out in the evening.

Mr. ELKUS: Why is it that they do not ring out in the evening?

Mr. GERNON: I suppose they don't require it; they don't care what time —

Mr. ELKUS: You mean ring out on the time register?

Mr. GERNON: Yes; ring out on the time register.

Mr. ELKUS: Because they don't ring out when they go out, nobody knows how many hours they work?

Mr. GERNON: No.

There is another difficulty presented in the larger stores. If any of you folks have been in the large stores, you must realize it is something like a mystic maze. If we find women under 21 there after 10 o'clock at night, we have got to get there and find the women working. The courts compel us to prove she is there after hours, to prove the kind of work she is doing, and in addition, to prove the salary she is getting. That is another feature we cannot prove — that they are under 21. Any girl can say she is 21, and we are through.

I recommend in my report that the law apply to all women. If you are going to leave a provision that the women should be under 21, then you should give us power to demand proof of age, the same as we do in the case of a child who is apparently under 16; otherwise we cannot prove the age. A man for instance can have a store where the girls are under 21, and if they are willing to say they are 21, we have to get out and find the proof the best we can. We have tried those cases, and we have stopped prosecuting them, because when we get into court, the employees think more of their positions than the enforcement of the law.

Mr. ELKUS: How do you find the sanitary conditions in mercantile establishments including the department stores? Are they good; are they kept in good order, or adequate, or what?

Mr. GERNON: I would say this, that the sanitary conditions in the larger stores are good, but in mercantile establishments, no. Take the last six months, we issued 2,045 orders, principally relative to the sanitary condition — that is the toilets, and in the mercantile law we cannot do anything outside of the toilets. For instance, time and time again we find that the toilets are clean, but the premises are filthy. If the conditions are filthy outside the closet, we cannot do anything, except to report it to the board of health. We make a recommendation that we be given power to compel proper cleaning of the premises. It seems to me a waste

of energy to have inspectors going through a place and not have the same requirements in mercantile establishments that you have in factories in general.

Commissioner DREIER: Have you any control over rest rooms?

Mr. GERNON: No.

Commissioner DREIER: Does the law require rest rooms for employees?

Mr. GERNON: No; it does not even require a lunch room, but it says where there is a lunch room and a closet in connection with it, they must have a permit. We issued 3,033 orders principally relative to closets.

I think it would be a good idea to make the hours of labor in mercantile establishments conform to those in the factory, with the exception of possibly a longer day on Saturday. There is a custom that seems to be prevalent in many of these cities to open the stores longer on Saturdays than on any other days. They do not lose anything. Some of those stores, the largest stores, state that they do not lose much because they close, and others keep open; but a man in what we call a neighborhood store, if he keeps open, he compels others to do so too.

Mr. ELKUS: The difficulty comes up there again, of a compulsory statute, which they would all have to obey.

Mr. GERNON: The poorer the store, the longer the hours and the less the wage; that is the experience.

Mr. ELKUS: And the worse the sanitary conditions?

Mr. GERNON: Yes; in most cases.

Mr. ELKUS: As a rule I mean, I do not mean always.

Mr. GERNON: Yes; well, that is true. Where you find they are working long hours; you will find the toilets generally in bad shape. There is no provision in the Mercantile Law to compel the lighting of closets; although we got 400 and over to put in lights without any authority under the law.

Many of the merchants are willing to do what they can to keep the premises in good shape. The store itself is generally in good sanitary condition, but the cellar and the store rooms are, in many of them, in bad shape. That is not true of all of them by any means.

Commissioner DREIER: What are the dangers from fire?

Mr. GERNON: The dangers from fire are very great. Two years ago I reported the fire hazards; that was before the Asch fire. At the present time there are arrangements in many of the stores for a factory employee. I was in a store the other day where there were eight factory employees; there was provision for getting them out, at least. We are covering factories now, and we had to see that there were proper exits for these eight employees. On that floor there were possibly 225 women and children, who were in the office end of it. Now, it would not be necessary, under the Mercantile Law, to provide any exits for them. I think it would be well to extend the provisions as to fire hazards to mercantile establishments, with this exception, that it is not practical to have a fire drill. You can have it as far as the factory employees are concerned, but with the great number of patrons you have in your store, it is a dangerous proposition.

Mr. ELKUS: Why could not you have it at the closing hour, or after?

Mr. GERNON: If the patrons had any idea that it was a fire alarm, there would be a panic.

Mr. ELKUS: In all the department stores they begin to close up at a certain hour, and do not allow any more patrons to enter. Now, when the patrons are out finally, why could you not have a fire drill.

Mr. GERNON: Well, as those stores are made up, there is much more chance of the employees getting out than the patrons. Most women who go into a store only know the store by the elevators; they do not know the stairways and exits. The employees who know the store would probably find their way out.

Mr. ELKUS: We had a number of employees before the Commission when we had a secret session, executive session. They said they did not know where the exits were.

Mr. GERNON: Well, I believe they do.

Mr. ELKUS: Why should they not be taught? They are there every day.

Mr. GERNON: I believe they should. I believe, as far as the department stores are concerned, the fire drill should extend to compelling the men in the employ to take certain positions. I think there is more danger in those stores from panic than from fire.

Mr. ELKUS: So much more reason then for a fire drill of employees, isn't it? If every employee knows where the exits are in case of a panic or a fire, they are going to show the patrons the way out, aren't they?

Mr. GERNON: Yes, if they are properly organized.

Mr. ELKUS: They cannot be organized in any other way than by a fire drill.

Mr. GERNON: I think there should be a fire drill. I think the fire drill should extend to the exits and landings and elevators of mercantile establishments.

Mr. ELKUS: Is there anything else, Mr. Gernon?

Mr. GERNON: There are quite a few suggestions I have.

Mr. ELKUS: You have a detailed memorandum which you have been good enough to prepare for me?

Mr. GERNON: Yes; that has been prepared.

Mr. ELKUS: If you will file that with the Commission, we will make it a part of your testimony, and then if there is any specific thing which you would like to tell us about now, we would be glad to hear you.

The CHAIRMAN: It is with reference to additional legislation?

Mr. GERNON: Yes; I think broadly speaking, that covers it. If the mercantile laws were made as severe as the factory laws, where it is applicable, I think it would be a good thing.

The CHAIRMAN: Are you in favor of a standard of ventilation?

Mr. GERNON: Yes; I think I would have some standard, then we would know what we are doing. We revoked one permit for the use of a basement, and we did that after making tests, and they failed to carry out the recommendations of the bureau, and then we prosecuted them.

Now, a good many people decide that the air conditions are not good from the fact the place may be a little too warm. So that I would say, that if the law was broadened, so that they could add ventilation in all parts of mercantile establishments, it would be a good thing. The hours of labor are entirely too long in mercantile establishments; they vary from 60 hours to 84 hours.

Commissioner DREIER: Have you a record of the number of stores who work overtime every day?

Mr. GERNON: No.

Commissioner DREIER: Do you know whether it is common or customary?

Mr. GERNON: In some of the larger stores they have to arrange stock. There is no use of our going there before ten o'clock unless it is to see if there are children illegally employed. We cannot even prove now the hours of the children per day, because the latitude is too much. As far as women are concerned in mercantile establishments, they have fifteen hours in which to work ten.

Mr. ELKUS: What do you mean by that?

Mr. GERNON: They have from eight o'clock in the morning until ten o'clock at night, in which they cannot work more than ten hours.

Mr. ELKUS: So there is no way of telling whether they do or not?

Mr. GERNON: There is no way of proving it; we can tell, many times.

Commissioner DREIER: How would you meet the difficulty?

Mr. GERNON: I would cut down the maximum term in which to work ten hours. I would make it as near ten hours as possible.

Mr. ELKUS: Would you provide a closing time, a statute having a closing time for women?

Mr. GERNON: Yes, I would favor it, and I know the merchants would favor it, if it could be done. In many instances where they agreed to close at a certain time, somebody failed to do it and the consequence was nobody is doing it.

Mr. ELKUS: Are there any other suggestions you would like to speak of?

Mr. GERNON: Well, outside of the general statement that I would make the mercantile law on the same standard as the factory law, as near as possible; there are some instances where it cannot apply.

Mr. ELKUS: In most cases you would make it practically an analogous law?

Mr. GERNON: I would; yes.

Mr. ELKUS: If you will let me have your report, I will see it is put in the record.

Commissioner DREIER: Would you recommend registration of mercantile establishments?

Mr. GERNON: Yes; in time that would give us the number of them. There is no telling now, how many there are. I am asked time and time again how many employees there are in mercantile establishments and how many mercantile establishments there are. I have to say I do not know. We know how many we have inspected in the four years, and we have inspected some of them four times; others we have not inspected at all.

REV. DR. STEPHEN S. WISE was then introduced.

MR. ELKUS: Do you want to speak with reference to some particular bill, Dr. Wise?

DR. WISE: I want to say a word or two about several bills which have come to me. It may be that some things I shall say will not be wholly timely, but I must leave New York to-morrow night, to be gone nearly a week, and so I am going to ask you, Mr. Chairman, to forgive me if I touch on things to be discussed at other hearings.

I want to say one word about the general plan looking to a re-organization of the Labor Department. I can see that there is room for an honest difference of opinion in regard to the manner in which the work of the Labor Department should be re-constituted, or re-organized.

I confess, however, I am very fearful of the policy of organizing a board of commissioners, of having in other words a commission rather than a commissioner. I think, and I rather feel you will be prepared to agree with me, some of you in any event, that the important thing proposed, the supremely important thing in work of this kind, is a centralized final authority; and a single commissioner, a single head in any position in which he can meet problems, it seems to me, can at the same time be held accountable for the manner in which he does so, very much better than can a commission.

MR. CHAIRMAN and members of the commission, I like the plan of having an advisory board. Of course, an advisory board would not be a commission, but would be a group of people who would supplement the commissioner and take counsel with the commissioner, who would be at the right hand of the commissioner, although I think that advisory board ought to be rather elastic in respect of numbers. I think the advisory board should have power to add to its number, with the consent and co-operation of the commissioner. I think the advisory board should have the power, from time to time, of appointing sub-committees to deal with particular problems as they present themselves to the Department.

I want to say a word about one thing concerning which I feel very deeply. I think we cannot do enough to safeguard from the very outset the personnel of the Department as it is to be reconstituted. I think, Mr. Chairman, that it is the duty, and I am sure you are going to meet it in the right spirit, that it is the duty of your commission, to insure the safeguarding of all offices, though they seem minor places to the commissioner, or commission to be named.

I feel, as we all do, you are doing an admirable work; you have rendered splendid service to the community, signal service and important. I hope whatever you do will be safeguarded in this way in order that the men and women appointed as inspectors may be people, not who need the job, the place, but men and women who can perform the service; who have experience, who have social vision and social experience and really want to carry out the purposes which have animated you.

I want to say one word about another matter, although I am afraid it is irrelevant from the view point of time, namely. that I hope you will press, and press hard Mr. Chairman, the legislation looking to the enactment of a one day in seven rest law.

I hope however that you will not limit, unless it is impossible for you to go beyond your present purpose, I hope you will not limit yourselves merely to factories. I think that law ought to be extended; I think the law ought to cover — in my own judgment it ought to actually cover all work in the State. I think the time is coming, and coming within a few years, when no man will be permitted to work seven days in the week, except under such terms as will compensate him by giving him two days' rest in fourteen — within a period of a fortnight.

Not only do we need a one day in seven rest law for factories, but we need a law that will cover the workers in shops, will cover the workers in stores, will cover the workers in all mercantile establishments, and not merely factory workers.

There is no danger of our being over zealous in caring for and safeguarding the factory workers, but I think we are almost wholly concentrating out attention upon the factory worker, and perhaps minimizing the attention that should be paid to the shop worker, the store worker, the department store worker, who is in

need of all the protection which a wisely enacted and wisely administered law can throw around him.

I would add one word if I may before I close about the admirable effort you have made to elicit the truth concerning the canneries. As a matter of fact for years the canners have been hammered at, but all in vain. Somehow the legislators upstate have been unwilling to yield to the demands of the social workers that the canners shall not be regarded as exceptional; that there should not be an exemption for the purpose of protecting them, and I think it was a very fine public service which your commission rendered only the other day in getting at the truth at last.

I think legislation should be passed which would bring the provision of the Factory Law to the cannery sheds; the cannery sheds should be treated as a factory. A child under 14 has no more business in a cannery shed than that child has in a factory.

Furthermore I think the work of women in canneries should be regulated. At the present time it is virtually unregulated. I think the Fifty-four Hour Law ought to govern the work of the canneries, but if you must make some concession, in any event do not add more than six hours to that, say a woman may work in a cannery sixty hours a week, or ten hours a day, six days in the week, which is quite abundant for any woman worker.

Although I am not actually a social worker, I have the privilege of rather close association with a number of the most faithful social workers. I think I voice their thought when I say they are one in praising the admirable work you have done, and they hope you will present to the legislature as a result of the work of your commission, though with of course needed modifications and amendments, the series of measures as you have mapped them out, and that your bills shall, as a result of your earnest efforts, be enacted into law. I think it will be a memorable achievement to the credit of your commission if that can be done.

The CHAIRMAN: You speak of favoring our proposed advisory board?

Dr. WISE: Yes.

The CHAIRMAN: At the same time you speak of the necessities of concentrating responsibility as well as authority?

Dr. WISE: Yes.

The CHAIRMAN: I assume you favor giving the commissioner a veto power over the action of the advisory board?

Dr. WISE: I am not certain I would confer upon the commissioner the veto power. It seems to me the commissioner, after all, sitting with the advisory board, would have more than the power of a single vote. I would say that, as a result of my own experience, in sitting with groups, especially under these conditions. This board would be an advisory board, and I think unless the chairman were fundamentally in the wrong, he would prevail and be likely to have a very considerable weight with that body.

Mr. ELKUS: Would you make the commissioner the chairman of the advisory board?

Dr. WISE: Yes, I think that is what ought to be done. I think he ought to be the chairman of the advisory board; and I think that would meet the difficulty of the question we have considered.

The CHAIRMAN: Professor Winslow suggested that.

Dr. WISE: So I understood.

Mr. ELKUS: You would not favor then, that a Commission should be appointed which would select the commissioner?

Dr. WISE: No.

Mr. ELKUS: That you are absolutely opposed to?

Dr. WISE: Yes; I think you will find that men and women who have carefully, for some years, studied the problem of commissions along social and legislative lines are prepared to agree with me that it is wiser to have a single head, one commissioner.

The CHAIRMAN: Appointed by the Governor?

Dr. WISE: Appointed by the Governor.

Mr. ELKUS: Would you favor his election, as has been stated here by the labor representative?

Dr. WISE: I have not really considered that, because that matter apparently has not been considered by you; but I personally favor the centralization of the power in the hands of the Governor. Let us place the power where it can be found and met, namely, in the hands of one person. I have not given that any thought, except along general lines. I know I do believe in concentration, in the centralization of power.

Mr. ELKUS: Have you examined the bill at all with reference to the limitation of the number of occupants in factory buildings?

Dr. WISE: I am sorry to say I have not. I knew I would not have a chance to discuss it to-day so I did not make any special study of that. I have, however, followed the general proceedings of your Commission with deep interest, and I have even waded through your three volumes, and feel that I am very much the gainer for the effort.

The CHAIRMAN: We appreciate your kind words very much, doctor. It is encouraging to the Commission.

Commissioner BRENTANO: May I ask you for a moment to dismiss any bill from your mind, and ask your judgment regarding a State welfare commission, entirely external to the Labor Commission?

Dr. WISE: Entirely distinct, did you say?

Commissioner BRENTANO: Entirely distinct, whose functions would be a general clearing house for all social lines of work, for the betterment and protection and safe-guarding of the whole citizenship of this State—not laboring people, but everybody, and for keeping abreast of the best modern research for helpfulness in every direction, and of having one great man capable of understanding modern conditions as a permanent head, and have a board appointed by the Governor, like our hospital boards are. Does that idea strike you as perhaps a good proposition?

Dr. WISE: Do you mean a permanent commission?

Mr. BRENTANO: A permanent commission.

Dr. WISE: Of course it is a new proposal, and it is not easy off hand to pass upon a matter which, though very clearly formulated in your own mind, and which represents a fine vision — requires to be carefully considered before answering the question. After preaching on Sunday, preachers find their minds move very slowly and imperfectly on Monday.

Mr. BRENTANO: I ask you, because you also bring out, which I am fearful is a mistake — we lose sight, we talk too much of this as a labor proposal; everybody is engaged in labor, in a sense.

Dr. WISE: But we are not all laboring in factories.

Mr. BRENTANO: No; but it is to stimulate, and to be helpful to all, and to get the benefit of the most excellent advice, and leave to the labor bureau the function of carrying out the work just begun. We should be glad to have you take that up.

Dr. WISE: Thank you; I shall be very glad to think about it.

RALPH N. EASLEY was then introduced.

Mr. EASLEY: I will only take about three minutes. My interest in this question of the State Board of Arbitration arises from the fact that the organization which I represent has three subcommittees now at work on the question of industrial mediation laws. The first one is concerned with the proposed amendments to the Erdman Act. The second one is attempting to draft a model State act, and the chairman of that committee is the chairman of the State Board of Arbitration, Mr. W. C. Rogers of this city, with commissioners from Massachusetts, Ohio and other states; and the third committee is working on a plan for the prevention of strikes or trouble between public employees, of Federal, State and municipal governments.

The only two suggestions I have to make, and I am speaking now personally, is that the New York law, instead of having the arbitration board subordinate to the Labor Commission — not on account of conflict in this State, but because of the way it is worked in other States, I would make it a board by itself. I would not have it mixed up with any other board.

The only other suggestion I have to make is that in the case of an emergency the Governor be given power to name a commission

on mediation, the chairman of the board of arbitration being the secretary of that commission. For instance, a strike is threatened in the subway in New York; they may call upon a committee of representative citizens, and let the chairman of the State Board be the secretary of the commission.

I think those are the only two suggestions I have to make about the State Law.

WALTER H. BARTHOLOMEW, representing the combined needle industry of the State, was then introduced.

Mr. BARTHOLOMEW: We have no comment to make on the bills you are considering, but want to announce that we have gotten together a joint legislative committee from all the needle industries, who are going over this proposed legislation with the idea of being as helpful as possible to you in the matter, and in no way opposing what you are trying to do.

But we feel there must be a great multitude of details in connection with the carrying out of the program, and that it would be very difficult for you individually to understand in every case what is needed. You could not do that without becoming expert in each industry itself. We also feel that in coming before you at a public hearing, we would occupy too much time in saying what we want to say about those things, so we are going to study them over among ourselves, first, and then present them to you, either at a hearing held for the purpose, or possibly in writing, giving you the concrete suggestions and criticisms we have to make, with only one idea, to make your legislation more effective than it would be otherwise.

The CHAIRMAN: You are going to do that pretty soon, aren't you?

Mr. BARTHOLOMEW: We are on the job now. We have held some meetings; and are to hold one or two this week, and one or two next week.

The CHAIRMAN: We are anxious to have your co-operation and would like to finish our legislation by January 1st.

Mr. BARTHOLOMEW: We will hurry it all we can. We have the cloak and suit industry, represented by the Cloak and Suit

Manufacturers' Protective Association; the dress and waist industry, represented by the Dress and Waist Manufacturers' Association; the men's clothing industry, represented by the Clothiers' Association of the City of New York; the furriers, represented by the Associated Fur Manufacturers; the men's furnishings, shirts, collars and all that sort of thing, represented by the Wholesale Manufacturers of Men's Furnishings Association; and we expect to get the Lace and Embroidery Association.

Two of those industries alone are the largest in the State — the cloak and suit, I believe, are the largest in the State, and men's clothing comes second, so certainly, with the combined needle industry, you will have the representation of a very large number of factories in the State.

Recess until 2 o'clock.

AFTERNOON SESSION.

LEONARD W. HATCH was then introduced by Mr. Elkus.

MR. ELKUS: Mr. Leonard W. Hatch, chief statistician of the Labor Department, is going to tell us some facts with reference to the statistical bureau and its present efficiency, and how it can be improved. Will you give your full name and official position?

MR. HATCH: Leonard W. Hatch, Chief Statistician.

MR. ELKUS: How long have you been chief statistician?

MR. HATCH: I have been chief statistician since November, 1907.

MR. ELKUS: Did you hold any position with the Labor Department before that?

MR. HATCH: Prior to that I was statistician in the Bureau of Statistics.

MR. ELKUS: How long have you been connected with the Labor Bureau?

MR. HATCH: Since 1897.

MR. ELKUS: What is your profession?

Mr. HATCH: Originally a teacher of economics for two years, prior to my taking up work in the Bureau of Statistics.

Mr. ELKUS: Are you a college graduate?

Mr. HATCH: Yes, sir.

Mr. ELKUS: What college?

Mr. HATCH: A graduate of Oberlin College in Ohio, and I hold a degree of doctor of philosophy from Columbia University, New York city.

Mr. ELKUS: What salary do you receive, Mr. Hatch, in your present position?

Mr. Hatch: At the present time, \$3,000.

Mr. ELKUS: You are the head of the Statistical Department?

Mr. HATCH: In charge of the Bureau of Statistics.

Mr. ELKUS: Will you go ahead and tell the Commission the work done by the department, and what is done under your supervision, and what should be done, and any criticisms or suggestions you have to make with reference to the bills that are now being considered?

Mr. HATCH: The Bureau of Labor Statistics comes into close touch with the other bureaus in the department, owing to the fact that ever since 1901, when the present department was established by a consolidation of the formerly independent Bureau of Statistics and office of Factory Inspector and Board of Arbitration, the Bureau of Statistics has been the statistical bureau for all the departments. We have taken over the work of preparing the statistical material for the reports of other bureaus, and we have supervised the printing of such reports. In fact, the Bureau of Statistics has been the publication bureau of the department.

Originally the Bureau of Statistics was an investigating bureau, established in 1883, and as the law governing it provides, as it was in 1883, we are directed to investigate anything relating to labor in the State — a pretty large field. Inevitably, of course, as the other bureaus have developed, the Bureau of Statistics has

been narrowed down for special investigation work to fields outside of the field of factory investigation, the Board of Arbitration, and so on.

But there has come to us always this statistical work and publication work for other bureaus. That is only natural because the statistics of the factories, the number of children employed, statistics of accidents, and prosecutions, etc., are a matter of important public information, just as any other information which the Bureau of Statistics might collect.

Now, the result of that has been, so far as the Bureau of Statistics is concerned, to rather handicap the bureau in special investigation work, investigation of the economic and social facts with regard to labor, which is entirely separate from the matter of hygiene and safety, which the bureau ought to perform. The reason for that is, that this work, coming to the Bureau of Statistics through the other bureaus, has grown, as the Bureau of Factory Inspection in particular, has been enlarged — has grown as fast as resources for the Bureau of Statistics could be secured, with the result that we have been growing in the field of work we were doing, as statistical agents for the other bureaus, and publication agents, and we have not been able to continue our special investigation work.

My suggestion for increasing the Bureau of Statistics is that it is primarily a matter of appropriation, enlarging the resources of the Bureau of Statistics so that it can develop its special investigation work, investigation of economic facts, such as wages, hours of labor, etc., on which we are doing something now, but not as much as we are called upon to do.

MR. ELKUS: How many people are there in your bureau?

MR. HATCH: At the present time the whole force that is specifically assigned to the bureau is twenty. That does not include those who were appointed recently to carry on the publication of the Industrial Directory in the department, which is essentially a statistical directory, that work having been carried on partly in an independent fashion. There is no question, however, but that is duplication of statistical work which is assigned regularly to the Bureau of Statistics, and I believe the present

commissioner is of the opinion that work should be made a part of the work of the Bureau of Statistics. With that Industrial Directory added, there are seven people in addition; that makes twenty-seven people covering the field of the Bureau of Statistics.

Mr. ELKUS: You say you investigate. What do you do exactly; do you have examinations of people, or do you go out and get facts by asking establishments for them, or what?

Mr. HATCH: Our investigation has been largely confined to statistical investigation; such investigations we make by means of schedules prepared, schedules of inquiry which we mail to informants securing what information we can by correspondence, and where we can't get the information by correspondence we follow it up by special agents who call for the information.

Then of course is the matter of working up in tabulation, and summaries, analyses and so on.

As I said a moment ago, I think the whole question of increasing the efficiency of the Bureau of Statistics comes back primarily to larger appropriations, larger resources for taking care of the work which it has to do. This question arises: In order to secure and publication bureau for the other divisions of the department. The object of that would simply be to make clear that we are doing this other work, and that that work is important along with this special work.

I think it would be exceedingly well if the commission should provide for a redefinition, or a new definition of the functions of the Bureau of Statistics, particularly with a view to covering in that definition, not only special investigation work as to wages, hours of labor, etc., but also covering its function as the statistical and publication bureau for the other divisions of the department. The object of that would simply be to make clear that we are doing this other work, and that that work is important along with this special work.

Then, with increased appropriations for that particular work, statistical work, and particularly the publication work, it will be plainer just what the whole work of the Bureau is; then the Legis-

lature will be in a position to judge whether they care to have, if it is desirable that special investigation work should be done by the Bureau of Statistics — special provision should be made for it, definitely and specifically. In the same way special provision should be made for the other work.

With regard to the publication work of the department in general, I would like to say a word. The present channels of publicity for the department are mainly the annual report of the commissioner of labor, and of each bureau, and the quarterly bulletin published by the department. The quarterly bulletin is published entirely by the Bureau of Labor Statistics, but it is designed to give information coming through any bureau in the department.

I think the publication work of the department can most wisely be developed, and most effectually be developed, by providing more elastic and quicker means of publication, by a special printing fund with which the department may handle the quarterly bulletin or more especially may prepare special reports just as soon as they are available — just as soon as the material is available, and bulletins, pamphlets, leaflets, etc., issued, in order that they may be published immediately, and not wait for the annual report which is prepared at the close of the year, and which is printed now about a year and a half afterwards, so that the material in it is practically all stale.

I find that not a very large fund, \$5,000 or \$10,000, would take care of a large amount of printing of special articles and special reports which might come in, in any way. The bill for the reorganization of the inspection service in the department provides for the publication of educational bulletins, leaflets, etc., using material which will be collected by the Bureau of Industrial Hygiene. That is precisely what I mean. The Bureau of Statistics has done one or two little things in a tentative way this last year along that line, but we have always felt that the subject of industrial hygiene and safety was one, as I said a while ago, which is principally marked off for the Bureau of Factory Inspection.

MR. ELKUS: What relation should there be, if any, between the Bureau of Industrial Hygiene and the Statistical Bureau — if they are both going to investigate, who is to regulate that?

Mr. HATCH: I do not know that I can make any suggestion on that. It is a matter that will have to be defined. That is why I said a moment ago that the functions of the several divisions should be clearly defined.

The Bureau of Industrial Hygiene will practically be, from now on, if it is established, the investigating bureau in that whole field of industrial hygiene. Originally the Bureau of Statistics was supposed to investigate there, so far as it could. Now, a line could be drawn in this fashion: In general, it is probable the most economical method of publicity for the department work, the result of its work, would have that all done in one division. A line might be drawn by providing that the Bureau of Statistics shall prepare and supervise the printing and distribution of materials collected by the other bureaus of the department, and also shall carry on special investigations in other fields, concerning the condition of labor in the State not covered by those bureaus. That is practically what we come to under the proposed bill.

My own idea is that if the law regulating the bureau of statistics should be redrawn, it should be redrawn to specify just what special investigation the Bureau of Statistics shall do, and also if that is a wise development, also that it shall prepare and supervise and distribute the material prepared in the bureau. There is a natural line of division for example — a medical inspector might make a special investigation of some phase of industrial hygiene; his report, coming to the division of publicity and publication, will be prepared and edited and printed and distributed. Either that, or there will be a division of publicity in the Bureau of Industrial Hygiene.

Mr. ELKUS: Have you prepared any document along the lines that you are testifying, defining the powers and functions of different bureaus?

Mr. HATCH: I have that partially prepared, and with your permission would like to file that as a memorandum.

Mr. ELKUS: When can we have it?

Mr. HATCH: Within a week or ten days.

Mr. ELKUS: Can you give it to us within a week?

Mr. HATCH: I will give that to you at the end of the week. I intended to have that prepared, but this is a very busy season preparing for the next annual report on the first of January.

Mr. ELKUS: Have you read the bill, the proposed bill reorganizing the Labor Department?

Mr. HATCH: Yes; I have read the two bills.

Mr. ELKUS: Do you want to express any opinion about it?

Mr. HATCH: I came particularly expecting to discuss the Bureau of Labor Statistics with which I am familiar.

Mr. ELKUS: I want you to do that; in the meantime I am asking you about the general bill. If you don't want to express an opinion, Mr. Hatch, I won't press it.

Mr. HATCH: I have some ideas on the subject. Of course we are all interested in the development of the Department, and its wise and most efficient development. In a general way I have followed somewhat the work of the Wisconsin Industrial Commission, and that appeals to me as a desirable form of organization for such a department, and it appeals to me a little more than it might to one who is primarily concerned with factory inspection work because it seems to me now that the question of the reorganization of a large portion of the Department is up, as the Commission is evidently doing -- you are taking a view of the whole Department.

A commission in charge of the entire Department would be able to render advisory service for the Bureau of Statistics, and for the Board of Arbitration, and some few years hence the whole subject of unemployment, and numerous other subjects relating to the condition of labor in the State, and the welfare of wage earners, as the present advisory board, as now specifically constituted, would not do. That is the commission would be an industrial commission. It would be continuously studying and formulating laws by progress of wise legislation, precisely as this Commission is now doing.

Mr. ELKUS: Why could not the advisory board do that with the Commissioner at the head of it as chairman?

Mr. HATCH: That advisory board could do that, but as I understand the duties now, they are practically limited to the formulation of regulations concerning industrial hygiene and carrying out those laws.

Mr. ELKUS: As I understand it, you would be in favor of giving them broader and wider powers.

Mr. HATCH: On the whole, I think a permanent commission of salaried men, devoting all their time to the subject in hand, would be more effective than a commission composed of men who have other interests; they would be men of importance, standing, who will have other large interests in hand. I think a permanent commission of men especially studying these problems is likely to be more effective than a commission which merely comes together from time to time. That is my opinion.

The CHAIRMAN: Is not that apt to destroy the idea of concentration of responsibility, your idea, instead of a commissioner being to have a commission?

Mr. HATCH: I think the Commission would have to appoint the subordinates, the heads of bureaus in the Department. Otherwise, as you say it would be a side issue; it might not be able to enforce its ideas.

Mr. ELKUS: The idea of having a commission of three to appoint a commissioner, would divide responsibility.

The CHAIRMAN: I take it, Mr. Hatch means that commission to take the place of the commissioner.

Mr. HATCH: My model would be the Public Service Commission. I would establish a commission with very large authority of investigation and regulation.

Mr. ELKUS: A commission of three or five?

Mr. HATCH: Well, I am not particular about the number; whatever number would be most effective. I am inclined to think three, a small commission, possibly five, in which there would be large authority and corresponding ability; and then they would be responsible for building up an efficient and effective machine to

carry out the laws as laid down by the Legislature, or as carried out in detail by its own regulations. The main thing is to produce something that is very direct in its effect.

The CHAIRMAN: What is the Wisconsin Commission? How is that constituted?

Mr. HATCH: It is a commission of three men appointed by the Governor. The law does not specify any division of bureaus or anything. The Public Service Commission Law in this State is what I suggest; a commission which is given authority to create such bureaus and functions as may be necessary to carry out the law.

Mr. ELKUS: They have a commission of three; Prof. Commons is the chairman of it, isn't he?

Mr. HATCH: He is the chairman of it; Mr. Crownhart is on the commission, a lawyer; Mr. Beck, a representative of labor, is also a member of the commission. The Wisconsin Commission was modeled after their railroad commission, and their railroad commission is on the same model as our Public Service Commission.

Mr. ELKUS: You would have three salaried positions then, of equal salary?

Mr. HATCH: Yes.

Mr. ELKUS: There might be some objection to that I suppose?

Mr. HATCH: Well, it is an old saying that two heads are better than one; and three heads might be better than one.

Mr. ELKUS: They also match that by saying that "Too many cooks spoil the broth."

Mr. HATCH: That is very true. The point which in my mind is rather decisive for a commission instead of a commissioner, in view of what the Labor Department is now going to do, if the purpose of your reorganization is carried out, and I am in sympathy with the idea of turning over the regulation of details to the Department — regulation which is the line of development in

all advanced countries — the point is the Labor Department, instead of being merely an investigating department and a police department, is going to be a legislative department. You are going to confer on it what would be essential legislative powers.

It seems to me the whole tendency — all the argument from experience and development elsewhere, is that at the head of such a department a commission rather than a single head is more effective, and I believe it is exceedingly important that the advisory board proposed should have authority enough that it should be supreme, as was stated once or twice this morning. I am heartily in favor of it.

The commission that establishes these regulations ought to have the authority to see that they are carried out, and ought to be responsible to see they are carried out. There should be nothing between that commission, which is going to say what is safe for the working men in this state and what they are entitled to, in the way of health and sanitary regulations, and the power or authority to see that those regulations are carried out, and if not carried out, the people will have the chance to put their finger on the agency responsible. That is why I am inclined to make the executive and legislative authorities one under the proposed enlargement of the powers, in the direction of legislation.

The CHAIRMAN: You rather gave an argument for a single headed commission, didn't you, in your concentration of responsibility? When there are three, there is always a chance of dodging.

Mr. ELKUS: That has always been the experience; when you have more than one man, somehow or other they get rid of the responsibility.

The CHAIRMAN: No one in particular is ever blamed.

Mr. HATCH: Well, I admit there are two sides to the question. Understand I am merely giving you my opinion. Here is one point to be considered in that respect: What is it you want to get? You want a Commission and want an agency that will know the business, that will be effective and be responsible to the people. Now, if you have got three units in your agency instead of one, I think you have got three chances instead of one, I think

you have got three chances instead of one chance, that you will have some of the right kind of element there. This is going at it from a very pessimistic point of view.

Mr. ELKUS: You mean you get one good man out of three?

Mr. HATCH: Suppose you have one good man out of three, that one good man, if he has got red blood in him, and is really disinterested, that man can be a very important check on the other two from going wrong, by means of publicity.

Mr. ELKUS: He may be a good check, but he is not going to be very progressive — he is not going to get very far.

Mr. HATCH: Turn it around; suppose that one man is Commissioner of Labor.

Mr. ELKUS: If he is the one good man, Commissioner of Labor, he is going to do things.

Mr. HATCH: Precisely.

The CHAIRMAN: If he does not do things, he will be blamed.

Mr. HATCH: I agree absolutely with this; if you put in the right kind of a head of the department, it does not make any difference whether it is one man or a Commission or what it is. If he is the right kind of a man with the right kind of ideals, and the right kind of force back of it, that is the main thing. I am not talking about the Bureau of Labor Statistics, but we are all interested.

Mr. ELKUS: Go right back to your own subject; your views are very interesting.

Mr. DREIER: Did you hear Mr. Brentano's question this morning about a separate welfare commission, whose business it would be to investigate the Labor Department, one Commissioner do the investigation and the enforcement of the law, and have the other one take over the legislative powers, if that is to be the case?

Mr. HATCH: You mean an entirely independent group?

Commissioner DREIER: Yes.

Mr. HATCH: To do the work of establishing regulations, as to the general welfare. Not only with reference to factory hygiene, but in general this whole field of social regulation?

Commissioner DREIER: Yes.

Mr. HATCH: I feel very much as Dr. Wise did; that is a pretty large proposition. It struck me that Mr. Brentano's definition of the purpose of that agency is precisely the purpose of the whole State government, to advance the general welfare. I want to say just one thing, if I may. It is entirely separate from what we have been talking about — that is in regard to quarters for the Department.

I believe the Commission has seen the quarters, we have, but it is sufficient to say, that in the Bureau of Statistics and the same is true of other bureaus, we are working where it is not hygienic. The medical inspector of factories took air tests a short time ago, and they are away short of any limit that has ever been set in their limitation for the air in a factory.

We could increase our efficiency from 10 to 20 per cent. right away if we had adequate quarters.

In other words, I agree with Mr. Sherman's statement that adequate quarters are imperative, particularly if there is to be an increase in its force. So far as the Bureau of Statistics is concerned that means decidedly a concentration — it ought to mean a concentration of statistical work in one office in Albany. That is the place where special work can be done, where you can do tabulation work.

Mr. ELKUS: I do not think, as much as we would like to, that we have anything to do with the quarters; that is up to the trustees of public buildings.

Mr. HATCH: We understand that.

The CHAIRMAN: You think our recommendation might help it a little?

Mr. HATCH: We certainly do.

Mr. ELKUS: Well, personally I think the quarters are pretty bad.

Mr. HATCH: I have talked somewhat disconnectedly in regard to questions. I shall file a memorandum with the Commission, a little more specific as to my ideas, later.

Mr. ELKUS: Is there anything else you would like to tell us about?

Mr. HATCH: No; I don't know that there is anything I care particularly to take up at this time.

WILLIAM C. ROGERS, the Chief Mediator of the Labor Department, was then introduced.

Mr. ELKUS: Mr. Rogers you are the Chief Mediator of the Labor Department?

Mr. ROGERS: I am.

Mr. ELKUS: Is that your correct title?

Mr. ROGERS: Yes.

Mr. ELKUS: How long have you been connected with the Labor Department?

Mr. ROGERS: Two years.

Mr. ELKUS: Always having the same position?

Mr. ROGERS: Yes.

Mr. ELKUS: What is your compensation?

Mr. ROGERS: \$3,500.

Mr. ELKUS: What are your duties?

Mr. ROGERS: The bureau of which I have charge has three functions defined by the Legislature. One function is that of investigating all strikes which occur or which threaten in the State of New York. The second function is an occasional one — whenever in the opinion of the Commissioner of Labor it is necessary, our bureau furnishes the material for a board of investigation to make a formal public investigation.

Mr. ELKUS: What do you mean by furnishing material?

Mr. ROGERS: Well, the law says the board shall be the second deputy commissioner of labor, or chief mediator, and that the Commissioner of Labor shall designate two other officers of the department of labor to serve with that chairman — members of the board, and those two officers, in the cases where this power has been exercised, have usually been other members of my bureau.

Mr. ELKUS: What do you do then when you are requested by the Commissioner of Labor — you create this investigating committee?

Mr. ROGERS: We sit as a formal investigating board.

Mr. ELKUS: Of what, labor disputes?

Mr. ROGERS: Yes.

Mr. ELKUS: Only?

Mr. ROGERS: Only.

Mr. ELKUS: Only in case of strike?

Mr. ROGERS: Or a threatened strike.

Mr. ELKUS: Then what do you do, hear both sides?

Mr. ROGERS: We hold a formal hearing, just as you are here to-day.

Mr. ELKUS: Can you compel people to appear before you?

Mr. ROGERS: Yes, production of books, papers, witnesses and take testimony under oath.

Mr. ELKUS: What do you do after you have the investigation?

Mr. ROGERS: We issue a report of our investigation to both parties of the dispute, with our recommendations looking to a settlement of the dispute. There is nothing obligatory however on either side to accept the findings of the board, but it is expected by the Legislature, and that expectation has been borne out by experience, that recommendations of the board will usually be acceptable to both sides.

Mr. ELKUS: Have you ever settled a strike?

Mr. ROGERS: Yes.

Mr. ELKUS: I thought in most cases you mediated without success?

Mr. ROGERS: I am very glad to give you a better view, then, Mr. Elkus.

Mr. ELKUS: I am very glad to know it.

Mr. ROGERS: I was speaking first of the organization of the work. I have come prepared to speak also of such successes as we have had.

Mr. ELKUS: Go right ahead.

Mr. ROGERS: Our regular work as I have said is that of mediation, and endeavoring by conciliatory methods without any public methods whatever to secure an adjustment of labor disputes.

The third function of the board, which is only an occasional one, is that of sitting as a board of arbitration when chosen by both sides of the dispute to act as such board. That power is conferred upon us by statute, but is only an occasional function, **and is rarely exercised.** In the two years during which I have been chief mediator, we have not sat as a board of arbitration. Some of the members of the bureau have been accepted as individual arbitrators, but that has been the result of mediation work.

Mr. ELKUS: How many men are in your bureau?

Mr. ROGERS: There is a chief mediator, and three mediators; four in all.

Mr. ELKUS: Do they get the same salary as you do?

Mr. ROGERS: One mediator, the mediator in New York city is paid \$2,500; the two assistant mediators, are paid \$2,000.

Mr. ELKUS: Where is your office, at Albany, or here?

Mr. ROGERS: At Albany; we have a branch office here in New York connected with the Department of Labor.

Mr. ELKUS: Outside of the work of sitting as arbitrators when you are requested, what other duties have you?

Mr. ROGERS: Our chief duty is acting as mediators where we are not requested.

Mr. ELKUS: You mean you volunteer your services?

Mr. ROGERS: We are directed by the Legislature to proceed to the seat of every strike, or near strike, investigate the same, whether the strike has actually occurred or is only threatened, and endeavor by conciliatory methods to bring about either an adjustment of the trouble or resumption of the work, and in that connection I might speak of the success of the department's work. I have not prepared any form of statement for you, but I can read a brief extract from the report which I have just prepared, covering the last year's work, closing the 30th of September, 1912.

The officers of the bureau have intervened in practically all of the large strikes of the year. The number of such interventions is 63 as compared with 76 last year. These numbers include threatened trouble as well as actual strikes. The intervention before strikes occurred, number 6 this year, and 8 last year.

In three cases the efforts of the mediator succeeded in averting a strike. Including these cases, the successful interventions numbered 37, as compared with 21 the previous year. The percentage of such successful interventions this year is 59 per cent. compared with 28 per cent. in 1911 and 24 per cent. in 1910.

It will thus be seen that the success of the mediation work is increasing; the strikes and disturbances where intervention occurred affected the total of 71,000 employees, while those in which the bureau for one reason or other took no part affected some 24,000 employees.

Only once during the year was it necessary for the Commissioner to exercise his powers of formal investigation through the State Board of Mediation and Arbitration. This was in January, 1912, and related to a strike in New York city.

Mr. ELKUS: Are you appointed by the Governor or Commissioner of Labor?

Mr. ROGERS: I am Deputy Commissioner of Labor, Second Deputy Commissioner of Labor, appointed by the Commissioner of Labor. You asked also that I be prepared to discuss the im-

provements in the law and any extensions of power or authority in the bureau.

MR. ELKUS: Before you take that up, may I ask you, Mr. Rogers, what do you think of having a special board called together for each strike, where you could have an employer and employec on the board, with some officer of the Labor Department, or some one representing the public generally, upon that board?

MR. ROGERS: After a number of years' experience of that plan in New York State, it was thought advisable to create the present board. The old board, and local boards as well, very rarely settled any disputes — very rarely did the public know they were in existence. That may possibly have been the fault of the times instead of the methods of constitution, but I believe the present method of work will be found in general far better than the establishment of separate boards in the localities, as disputes arise. A very large measure of our success is due to experience and thorough acquaintance with the questions in dispute.

MR. ELKUS: In these cases which you speak of, do you decide, where you have had these interventions, as you have called them, whether the employer or the employee is right — do you take a position one way or the other?

MR. ROGERS: That depends entirely upon circumstances.

MR. ELKUS: Have you ever done it?

MR. ROGERS: We have done it, yes, very frequently.

MR. ELKUS: Have you decided in favor of the employer in any case?

MR. ROGERS: Oh, yes.

MR. ELKUS: Have you decided against the employees in two or three cases?

MR. ROGERS: Yes.

MR. ELKUS: Have the employees abided by your decision?

MR. ROGERS: Yes.

Mr. ELKUS: Where was that?

Mr. ROGERS: The most recent case of that kind, where our influence has been exerted to end a strike, along that line, was in the case of the D. & H. Railroad shop employees at Watervliet. Some 800 men employed in those new shops there, went on strike and committees of their associates from other shops along the system, at Onconta and Carbondale, Pennsylvania, and Plattsburg, were present at the scene of the strike to decide whether or not to call out the other men in the other shops to support, through sympathy, the contention of their associates.

The cause of that strike was a demand made by the machinists employees there, to have three non-union men discharged from the employ of the company — two workmen and a foreman. The trade agreements which had been drawn up between the railroads and the machinists on the one hand, the boiler makers and the blacksmiths on the other, failed to provide a definite method of averting such a strike, so that there was no violation of the agreement either by the company employing these men who were not members of the union, nor was there any violation of the agreement by the men striking against the employment of those men.

But in view of our general experience we felt that the men were making a mistake in view of the situation in asking the railroad to discharge those men solely because they did not belong to the union. That attitude has never been taken --

Mr. ELKUS: That was not a dispute about wages or conditions of labor?

Mr. ROGERS: It was, however, a very serious strike, which within a day or two would have seriously affected the running of trains on that line of the D. & H. system.

When we first saw the railroad officers they were planning to have nothing further to do with those 800 employees; they would not receive any committees of their men and they intended to replace them with new employees and fight it out.

Mr. ELKUS: Isn't it a fact that in most of the big strikes that have taken place in big cities, where they have been arbitrated

successfully, there have been some outside persons called in who have succeeded in arbitrating it, where your Board of Mediation has failed?

Mr. ROGERS: I would welcome you to point to any such case, if you can?

Mr. ELKUS: As I remember it; the strikes in New York city.

Mr. ROGERS: Will you name some of them?

Mr. ELKUS: I cannot place them now.

Mr. ROGERS: I do not believe you can.

Mr. ELKUS: Take the cloak and suit strike.

Mr. ROGERS: That occurred before my connection with the board, so that I cannot speak with full authority.

Mr. ELKUS: The same kind of board as that?

Mr. ROGERS: Yes.

Mr. ELKUS: I remember Mr. Brandeis and Mr. Marcus Marks and several others were called in when your Board of Mediation had failed completely, and the claim was made that nobody had any confidence in it---that was before you were on it, so that I can say that.

Mr. ROGERS: For that very reason I hesitate to say anything about that particular strike. I supposed you had reference to some recent strike.

Mr. ELKUS: That was not very long ago?

Mr. ROGERS: Two years and a half ago.

Mr. ELKUS: Two summers ago?

Mr. ROGERS: Two and a half years ago; yes.

Mr. ELKUS: Don't you think that if you had a special board composed in each case, where you would take one employer, or representative and an employee or representative of the employees, and then select somebody who represents the public, you would get better results?

Mr. ROGERS: Personally I do not believe it would work; it has not worked anywhere else, that is my only reason.

Mr. ELKUS: And have a board of mediation act as controlling and putting in operation this arbitration, let them have charge of the machinery of it?

Mr. ROGERS: As far as I should be willing to go in that line, I would be willing to agree that it might be well to have a provision for the appointment of such a board whenever either the Governor or the Commissioner of Labor should deem it desirable.

Mr. ELKUS: Give that board full power?

Mr. ROGERS: Give that board full power, but without detracting from the power of the present board of mediation until such board should be appointed.

Mr. ELKUS: Then in some peculiar strike, or emergency.—

Mr. ROGERS: It might happen; it has not been felt since I have been connected with the bureau, that any such thing would be necessary or desirable.

Mr. ELKUS: You have had no very large strikes since you have been mediator, have you?

Mr. ROGERS: That depends on what you mean by a large strike. The express drivers' strike was a pretty large strike.

Mr. ELKUS: You were not able to do anything there, were you?

Mr. ROGERS: I think so.

Mr. ELKUS: What did you do there?

Mr. ROGERS: Very briefly, we were the chief instruments in the settlement of that strike. Our very good friend, Mayor Gaynor, and Mr. Towne, exerted very much influence in the matter, and secured a great deal of newspaper success in regard to that.

Mr. ELKUS: Does that not just bear out what I say, what I was suggesting; the strikers could call in some man, like Mr.

Towne, President of the Merchants' Association, who brought about the settlement of the strike?

Mr. ROGERS: The strikers did not call him in.

Mr. ELKUS: The mayor, or he came in of his volition.

Mr. ROGERS: He volunteered, I believe. As a matter of fact, if the Commissioner of Labor had not the previous day given the express company something like twenty-four hours to settle the strike, Mr. Towne would not have settled it.

Mr. ELKUS: That may be a very good thing but the point is that some outside man of prominence, and who is an influence, could bring about a settlement.

Mr. ROGERS: It might very well happen.

Mr. ELKUS: Do you claim in your report, your mediation bureau brought about the settlement of that strike — is that one of the cases?

Mr. ROGERS: Oh, no, that is one of the cases where we have claimed partial success. Without our intervention the strike would have gone a good deal farther than it did, as to numbers. The teamsters of the entire city were anxious to go out on strike at the time, and without our weight of influence I doubt very much if the express drivers would have accepted that settlement.

Commissioner DOWLING: What did you do to stop the teamsters going out?

Mr. ROGERS: It is some little time ago. We exerted our personal influence with the leaders of the strike, whom we knew very well, to keep it within bounds where it could be settled, and when the proposition was made — by the way the proposition of Mayor Gaynor was our verbatim proposition for the ending of the strike — he selected that out of a dozen or more which had been presented, and O. K'd our proposition as the best means of settling the strike. Mayor Gaynor's proposition which was finally adopted as the settlement of the strike was the Commissioner of Labor's proposition; I wrote it myself.

Mr. ELKUS: Isn't it a fact that you usually get on the ground after the strike has gone on too long a time?

Mr. ROGERS: Yes; unfortunately we are so busy with the strikes, we cannot get around as much as we would like to, to prevent them. There are only four of us, and usually there are 35 or 40 strikes going on, and some of them take our time so much that unless a very serious affair comes to our attention, we cannot interfere until the strike occurs.

Mr. ELKUS: And after it has been going on some time?

Mr. ROGERS: Usually we get around promptly if it is a serious strike — within a day or two.

Mr. ELKUS: With this voluntary board, in each case the authorities would have the power to select some man of great public repute and prominence, whose very name and influence would bring about a settlement, just as it did in the teamsters' strike, having Mr. Towne and the mayor. Of course the work could all be done by your bureau.

Mr. ROGERS: It might be of interest to you to know a few of the more important strikes in the past year which will bear out my statement.

Mr. ELKUS: Yes.

Mr. ROGERS: I would just name a half dozen or more of those which involved a thousand or more workmen. In January, 1912, at Mineville a threatened strike was prevented by the bureau, one thousand miners being involved. No strike occurred after the conference arranged by the bureau.

Mr. ELKUS: Let me ask you, how did you find out there was going to be a strike at Mineville?

Mr. ROGERS: In this case, in January there was some dispute over the question of the misbehavior or coercion and fraudulent collection of fees from employees by certain superintendents or foremen.

Mr. ELKUS: How did you find out about it?

Mr. ROGERS: That information came to our bureau through the statistical bureau, or the mine inspector, I do not remember which. I was away from Albany at the time and one of my assistants took that case up.

Mr. ELKUS: They claimed that the superintendents were exacting illegal fees?

Mr. ROGERS: Yes.

Mr. ELKUS: What did you do, go down there and investigate?

Mr. ROGERS: Yes; that was investigated.

Mr. ELKUS: And tell the superintendents they had no right to do it?

Mr. ROGERS: That matter was taken up through the District Attorney by the Commissioner of Labor himself.

Mr. ELKUS: You reported back to the Commissioner of Labor that you found certain facts, and he took it up with the district attorney?

Mr. ROGERS: No; the matter came to us for settlement, on the danger of the strike after the Commissioner of Labor had acted on the illegal aspect of the case.

The strike was averted. Again in Mineville, there was a strike threatened in May, 1912, on account of the demand for increased wages, and that strike was averted by two conferences arranged by myself.

Mr. ELKUS: How did you find out that they were going to strike for an increase in wages?

Mr. ROGERS: The information reached me through Commissioner Williams. One of his inspectors who had been up there reported to me that he understood that was the case. I telegraphed to the mine operators—

Mr. ELKUS: Do you know how he found it out?

Mr. ROGERS: I think he just heard a rumor of the kind when up there making a routine inspection, and he, in accordance with his duties, reported the matter to Commissioner Williams directly,

and the Commissioner asked me to telegraph to the operators for information. They telegraphed they had no definite information, but there was a rumor of demand for a wage increase.

Mr. ELKUS: The demand had not been made at all?

Mr. ROGERS: No.

Mr. ELKUS: What did you do?

Mr. ROGERS: I went there on the next train, because I had in the meantime corroborated the information from Commissioner Williams, in addition to getting their telegram, and found that representatives of the labor organizations were on the ground from outside, and that demands were being drawn up, and that unless an advance in wages was made a strike was very seriously threatened.

Mr. ELKUS: What did you do?

Mr. ROGERS: I stayed on the ground three days and arranged a conference between the parties and found there were a number of other demands being made, and they were all capable of adjustment except the wage increase.

I came to New York and saw the representatives of the firm here, and secured from them a certain concession in the matter of wages, and we arranged a second conference at Mineville, and the wages were advanced something like ten cents a day, or ten per cent, I believe it was, as a result of the second conference. The miners accepted that and the work was continued uninterrupted then.

Mr. ELKUS: What do they mine there?

Mr. ROGERS: Iron ore. In the furriers' strike in New York city, which was perhaps the largest strike of the year, there were some 8,500 employees involved, and the strike lasted about ten weeks. The bureau arranged a conference, and proposed terms of settlement which were accepted, both by the committee of the strikers and the committee of the employers, but contrary to our usual experience, the association of employers refused to abide by the decision of their own committee, and the strike was extended something like three or four weeks later, when a second

conference was arranged by another party and the same terms were adopted.

Mr. ELKUS: There you simply acted as a messenger to carry from one party to the other the demands or modified demands, then finally the strike was settled by somebody else?

Mr. ROGERS: No; that is not the case. The terms of settlement demanded a considerable amount of study and were proposed by our New York representative; I was not concerned with that strike myself.

Mr. ELKUS: But he got them all from the strikers then talked to the other side?

Mr. ROGERS: Where else would he get them?

Mr. ELKUS: I do not say he would get them anywhere else; I mean to say this bureau of mediation could have had a hearing, if it was really a bureau, and had the rights or the wrongs of the situation. Here you were simply acting as a sort of messenger. Let me ask you right here, did you investigate in that particular case the causes of the strike?

Mr. ROGERS: We had no formal investigation, no. If it had been necessary in the opinion of the Commissioner of Labor, that would have been done.

Mr. ELKUS: Have you had any investigation during the last two years — have you had any hearings, taken any testimony?

Mr. ROGERS: Simply in the case of the laundry workers' strike, in the last two years; that was in January, 1912.

Mr. ELKUS: When did you begin that investigation?

Mr. ROGERS: About the 14th of January.

Mr. ELKUS: When did that strike begin?

Mr. ROGERS: The strike began the 2d of January.

Mr. ELKUS: And you began investigating on the 14th?

Mr. ROGERS: Yes.

Mr. ELKUS: How long did you take?

Mr. ROGERS: Between the 2d and 14th we had arranged four joint conferences between strikers and the laundrymen which had failed to result in a settlement, because the strikers insisted on their demands for a closed shop.

Mr. ELKUS: Then you began investigating on the 14th? When did you finish?

Mr. ROGERS: The hearing covered four days, and our findings were published about eight days later — twelve days in all.

Mr. ELKUS: When was the strike over?

Mr. ROGERS: The strike was over --- well, it was really over within a day or two after the publication of our findings.

Mr. ELKUS: Was it settled?

Mr. ROGERS: It was settled in six shops where the strikers were successful, and in other shops many of the strikers went back to work, and the places of the others were taken by new employees; but the general effect of the investigation and of the strike was that the same conditions obtained in the shops which did not settle as obtained in the shops which did settle, with the single exception of the closed shop conditions.

Mr. ELKUS: Was the publication of your detailed report made eight days after the hearings were closed?

Mr. ROGERS: It was made public to the contestants and to the newspapers at that time, yes. I won't say eight days, it was dated that time. I think perhaps it was published the next day.

Commissioner DREIER: That is, your findings were made public?

Mr. ROGERS: Our findings and recommendations, yes.

Mr. ELKUS: When were the facts you obtained made public?

Mr. ROGERS: They were made public in February — possibly it was in March. They were published in connection with, or just before the publication of the March Bulletin of the labor department — that is, the working conditions were described as obtained in our testimony.

The next strike of importance was that of the New York city Neckwear Makers, some 1,400 employees.

Mr. ELKUS: Was the testimony ever made public in that laundry strike?

Mr. ROGERS: I believe not.

Mr. ELKUS: Why not?

Mr. ROGERS: It was too voluminous.

Mr. ELKUS: How many pages is it?

Mr. ROGERS: Something like 1,400 typewritten pages, I believe.

Mr. ELKUS: Go right ahead.

Mr. ROGERS: This strike of the neckwear makers was settled by a conference arranged by the bureau, the strikers winning their demands.

Mr. ELKUS: What was your profession or business before you became connected with the Labor Department?

Mr. ROGERS: I have been in the State's service for ten years.

Mr. ELKUS: In what capacity?

Mr. ROGERS: I was in the State Board of Charities for eight years as inspector, Chief Inspector and Superintendent of State and Alien Poor.

Mr. ELKUS: And then you were appointed to your present position?

Mr. ROGERS: Yes. A strike of the cotton spinners at New York Mills, occurred in March, 1912, of some 1,100 employees, when the employers declined to confer with the strikers. A public investigation was proposed by the Department unless a settlement was effected at once. As a result of this a compromise settlement, through conferences between representatives of strikers and employers directly was effected.

Mr. ELKUS: What do you recommend with reference to either increasing the functions of your bureau or changing them or altering them?

Mr. ROGERS: I think it might be wise to have it possibly, as I have said — to have either the Governor or the Commissioner of Labor appoint a local board, constituted as you have suggested, to supplant us, in the event of a very serious or special occasion when our early efforts were not successful. I should be glad to see it tried at any rate, and it might prove a very great help, and such a special board ought to be appointed, I think, in the case of disputes in which the city — the State or some division of the public government is involved, because it is hardly fair for the State board to investigate and criticize the State government or a municipal government.

Mr. ELKUS: Have you any other suggestions to make with reference to the matters which are under consideration?

Mr. ROGERS: I am not decided on this, but it is my individual opinion that it might be wise to have public investigations occur more frequently, especially in regard to public service corporations disputes. I do not know that any time limit could be set on those investigations, but the public, where their interests are very clearly involved, and are very important, certainly deserve a good deal of consideration by both contestants to the strike, and a strike ought not to occur where it can possibly be avoided. Where they are engaged in serving the public directly, as in a railroad, or the street car lines, electric and gas companies, etc., they ought not to think of going on strike unless they are willing that a public investigation should be made to justify their position. I think the knowledge that such an investigation was to occur within, say five days or a week, would tend to minimize the number of such disputes as would become strikes. It would tend to make both parties desirous of having the friendly offices of our board as mediators before such a strike occurred, and it would relieve the Commissioner of Labor from deciding when such a thing was necessary — sometimes a very unwelcome and difficult thing for him to decide.

Mr. ELKUS: You have a report, I think, Mr. Rogers, that you have prepared?

Mr. ROGERS: Yes; a report to the Commissioner of Labor. I would be very glad to send you a duplicate of it for filing.

Mr. ELKUS: I wish you would, and we will have it made a part of your testimony.

Commissioner DREIER: I think you stated that the laundries that had not settled had the same conditions, accepted the same conditions finally as the settled shops?

Mr. ROGERS: I said the same conditions very largely obtained as a result of the strike and the investigation.

Commissioner DREIER: May I just ask, do you investigate to find out if they carry out —

Mr. ROGERS: Our factory inspectors have made special investigations of all the laundries since that time and report that the conditions disclosed by the examination as undesirable have very largely been remedied.

Commissioner JACKSON: When a strike has actually occurred, what is the worst condition you generally find?

Mr. ROGERS: I do not know what you mean.

Mr. JACKSON: What is the relative temperament of the employees and employers.

Mr. ROGERS: Almost invariably when a strike is on there is a very bitter feeling on both sides?

Commissioner JACKSON: What I want to know is if you have had any difficulties, serious difficulties between the employers and the employees in arranging a conference on the questions.

Mr. ROGERS: I should say that in just about half the occasions when we intervene, a conference is absolutely declined by either one side or the other, usually, however, by the employers on our first request. In the other half, we are able without much difficulty to arrange for a conference.

Mr. JACKSON: Isn't it a fact in a great many of the strikes with which you have had anything to do, you find the strike really occurs because the employer refuses to give any heed to the demands of the men?

Mr. ROGERS: Very often.

Commissioner JACKSON: Have you ever found that strikes have occurred through the arbitrary methods or actions of subordinates?

Mr. ROGERS: Very often; not as often by subordinates — I suppose you mean petty foremen and superintendents.

Mr. JACKSON: Yes.

Mr. ROGERS: The most serious strike I recall handling occurred through the arbitrary and unnecessary action of an official, who was in an apparently high position, and yet a subordinate one as relating to the whole dispute.

Mr. JACKSON: Don't you think the efficiency of your bureau as at present constituted would be greater if the employers would meet you on friendly terms when you approach them?

Mr. ROGERS: We never have failed to have that treatment. We have always been received in a very friendly way, both by employers and strikers.

Commissioner JACKSON: You just said they had in some circumstances refused a conference?

Mr. ROGERS: Yes; they do not always agree, but they are always agreeable.

Commissioner JACKSON: Then the efficiency of your bureau would be promoted if the employer would consent to a conference with the aggrieved employees.

Mr. ROGERS: They always receive us; they sometimes refuse to treat with their striking employees.

Commissioner JACKSON: That is the question I want to bring up.

Mr. ROGERS: Very often that is the case; a strike is lost within a day if a man had fifty employees go on strike, and he immediately hires fifty others to take their places and chooses to get along with such financial loss as that change makes, nothing we can say is going to induce him to change his mind, and it would be useless for us — in many cases where we do make a prelimi-

nary investigation, we do not even recommend a conference. Sometimes conferences are too early arranged. We have to use our best judgment as to the nature of our recommendations and as to the time.

Commissioner JACKSON: Just enlarge on that a little bit, about too early an arrangement.

Mr. ROGERS: As you suggested a moment ago in one inquiry you made, a great many times we find the temper of the dispute is such, that a conference, if immediately arranged, would only perhaps come to blows, and would not help to settle the dispute. If we find the men in such a temper, even if a conference was suggested, we would be inclined to urge them to defer it for a day or two, until the air cleared up a little.

Commissioner JACKSON: You were not connected with the bureau at the time of the paper making strike, were you?

Mr. ROGERS: No; I joined it immediately after that.

The CHAIRMAN: When there is not any strike going on, your bureau has not much work to do, has it?

Mr. ROGERS: Very little; but that has yet to occur.

The CHAIRMAN: There is always something doing?

Mr. ROGERS: There is always something to keep us busy; yes.

REPORT SUBMITTED BY WILLIAM C. ROGERS, CHIEF MEDIATOR.

HON. JOHN WILLIAMS, *Commissioner of Labor, Albany, N. Y.*

SIR.—Article X of the Labor Law, sections 140-148, inclusive, relates to the Bureau of Mediation and Arbitration.

I have the honor to present the following report of the work of this Bureau during the fiscal year ending September 30, 1912.

The officers of the Bureau have intervened in practically all

of the large strikes of the year. The number of such interventions is 63 as compared with 76 last year. These numbers include threatened troubles as well as actual strikes. Interventions before strikes occurred numbered six this year and eight last year. In three cases the efforts of the mediators succeeded in averting a strike. Including these cases the successful interventions numbered 37, as compared with 21 the previous year. The percentage of successful interventions this year is 59, compared with 28 in 1911, and 24 in 1910.

It will thus be seen that the success of the mediation work is increasing.

The strikes and disturbances where intervention occurred affected a total of 71,180 employees, while those in which the Bureau for reasons detailed later took no part, affected only 24,100 employees.

Only once during the year was it necessary for the Commissioner of Labor to exercise his powers of formal investigation through the State Board of Mediation and Arbitration. This was in January, 1912, and related to the strike of laundry workers in New York City.

A full report of this investigation and a summary of the working conditions disclosed by the investigation have already been published in the March, 1912, Bulletin.

COMPARISON OF DISPUTES, 1910-1912.

	1910.	1911.	1912.
Number of strikes and lockouts	250	215	184
Employees involved:			
Directly	190,603	84,202	57,304
Indirectly	16,319	10,429	34,851
Aggregate days of working time			
lost	5,783,394	2,378,992	1,512,234

To the end of all disputes to September 30, 1912.

There were considerably fewer strikes and lockouts in 1912 than in the previous year, the number reported being only 184 as com-

pared with 215 in 1911. A decrease in their size is also quite marked, as only 57,340 workmen were included among the direct participants, whereas last year there were 84,202. An unusually large number, however, were indirectly involved, that is, deprived of work on account of other employees being on strike. Thus the total number involved directly and indirectly is very nearly the same as last year. The aggregate number of working days lost in 1912 was one-third less than in 1911.

In several respects the statistics of strikes in 1912 resemble those of 1909, namely, the number of employees directly concerned and the number of working days lost, while the number of disputes was slightly larger in 1912. A high tide was reached in 1910, when the figures showed the largest number of workmen engaged in labor disputes in the history of the Bureau, and also an unprecedented loss of working time. Since 1910 a steady diminution has taken place in both number and importance of industrial disturbances.

PRINCIPAL CAUSE OR OBJECT OF DISPUTES.

	Number of disputes.		Number of working days lost. 1912.
	1911.	1912.	
Increase in wages.....	88	98	1,055,011
Reduction in wages.....	14	8	7,815
Shorter hours	12	14	6,850
Longer hours	1	150
Trade unionism	59	27	311,519
Particular persons	16	15	25,502
Working arrangements	12	14	12,077
Payment of wages.....	..	1	70
Sympathetic	8	3	91,857
Miscellaneous	6	3	1,383

More than the usual proportion of strikes were caused by demands for wage increases. These strikes included more than half the total number of disputes and produced about 70 per cent. of the total loss of time. The proportion of trade union disputes was smaller than last year. The movement for shorter hours of labor was also less prominent.

TRADES AFFECTED.

	Number of disputes.		Number of working days lost. 1912.
	1911.	1912.	
1. Stone, clay, glass products.....	11	10	66,350
2. Metals, machines, conveyances....	27	24	161,446
3. Wood manufactures	10	4	37,538
4. Leather and rubber goods.....	6	7	626,095
5. Chemicals, oils, paints, etc.....	1	2	87
6. Paper and pulp.....	1	3	1,803
7. Printing and paper goods.....	10	7	44,422
8. Textiles	13	14	61,134
9. Clothing, millinery, etc.....	19	28	93,542
10. Food, liquors, tobacco.....	16	5	2,207
11. Water, light, power.....	..	2	333
12. Building industry	77	49	95,197
13. Transportation, communication...	21	22	195,552
14. Trade	1	1	104
15. Hotels, restaurants, etc.....	..	1	117,000
16. Professions	1	3	9,364
17. Public employment	1	2	60

The largest number of strikes, as usual, occurred in the building industry, but they were of smaller dimensions than those in several other industry groups. The industries rank according to number of disputes in the following order: Building, clothing, metals, transportations, textiles, stone and glass, while the leather and the printing trades produced equal numbers, but the order is quite different when considered from the viewpoint of working time lost. The largest loss occurred in the leather and fur trades, and the other important groups rank as follows: Transportation, metals, hotels and restaurants (one large strike causing a loss of 117,000 days), building, clothing, stone and glass, textiles, printing, and wood working.

The largest dispute of the year was the furriers' strike in New York City which lasted twelve weeks and caused a loss of over 600,000 days. The strikes of teamsters and hotel waiters also in New York city caused losses of over 100,000 days each. Other

important disputes were the strikes of laundry workers, glass cutters, marine foremen, longshoremen, etc., sheet metal workers, and piano makers in New York City, boiler makers in Schenectady and Dunkirk, textile workers in New York mills and wall paper printers and color mixers in several localities throughout the State.

RESULTS OF DISPUTES.

	No. of disputes	
	1911.	1912.
Strikes successful	61	51
Strikes partly successful.....	49	45
Strikes lost	105	88

Results of disputes in 1912 show no marked advantage for either side. The number of strikes won or compromised is somewhat larger than of those lost, and involved 36,148 workmen, while strikes lost involved 21,192 workmen. This is a natural proportion, for it is the smaller strikes, especially unskilled and unorganized trades, that most frequently result in failure.

METHOD OF SETTLEMENT OF STRIKES WON OR COMPROMISED.

	Number of disputes.	
	1911.	1912.
Direct negotiations between parties.....	93	67
Mediation by State bureau.....	14	27
Mediation by other agencies.....	2	1
Arbitration	1

The strikes settled by direct negotiations between the disputants include many strikes of brief duration, which are settled satisfactorily before news of the disturbance reaches Albany. In many other cases the mediators are all engaged on important disturbances, and cannot reach the location of a relatively unimportant strike before a settlement occurs. In many other cases on inquiry by the officers of the bureau it is learned that satisfactory negotiations for a settlement are already in progress, and no intervention is attempted. In the list of strikes settled by mediation by the

State Bureau, we cannot include cases where the Bureau has been of some service in securing a settlement, unless the efforts of the Bureau have been the really important factor in securing such results.

COMPARISON OF INTERVENTIONS, 1911-1912.

	1911	1912
Number of disputes in which intervention occurred	80	63
Total number of interventions, including second and third efforts	85	64
Number of requests received for first intervention	21	15
Number of requests for second or third intervention	3	1
Number of disputes in which intervention was successful	21	37
Number of disputes in which intervention was unsuccessful	59	27
Number of interventions before strikes	8	6
Whole number of conferences arranged	31	40
Number of disputes settled by mediation with parties separately	4	1
Disputes settled by arbitration	1	1
Disputes settled by informal investigation	1

Disputes involving corporations engaged in public service, such as railroads, street car lines, express, telegraph, telephone, gas and electric companies occupy a different position from disputes in which one of the parties is a private manufacturing concern. The difference lies chiefly in the degree in which the public is involved. The public interests are affected seriously by all strikes, but when transportation ceases or gas is shut off through an industrial dispute, the public interests are immediate, and equal to the interests of the corporation or of its employees.

Such disputes this year have included the Schenectady, Albany Southern and Ogdensburg street railways, New York steamship companies, Binghamton and Ogdensburg gas plants, and the

Albany, Buffalo, Mechanicville, New York City and Rome freight transfers. The best means of dealing with such disputes remains a debated question. All parties are agreed that they should be prevented from occurring if possible, but all agree likewise that any measure savoring of compulsory arbitration will be impossible of acceptance. The chief mediator is Secretary of the National Association of State Boards of Mediation and Arbitration which is studying this problem. He is also chairman of a special committee of the National Civic Federation appointed to draft a model State law providing for mediation and arbitration.

The interventions of the Bureau in public service corporation disputes this last year were almost uniformly successful, but the danger that this might not always prove true still exists.

It is practically impossible for any strike on public service corporations to continue long in opposition to the weight of public opinion. It is suggested, therefore, that the law should be amended to provide for early public investigation by the State Board of Mediation and Arbitration of all disputes involving public service corporations within five days of the beginning of any strike. The certainty that such a public investigation is coming will naturally act to make both parties to a controversy reluctant to permit a strike to occur without first availing themselves of the friendly offices of the mediators, and especially unless they feel confident that their cause is just, and will command public support.

I would also recommend an amendment to the Labor Law to secure immediate information to the Commissioner of Labor from the responsible administrative officers in the cities and counties of any strike or lockout in their jurisdiction. Our present reliance must be placed on news reports and chance information or requests from the parties to disputes. Thus, a disturbance might easily be remedied, but by failure of having notice of the disturbance the Bureau may be unable to act until a serious condition exists involving a vast economic waste.

Respectfully submitted,

WM. C. ROGERS,

Second Deputy Commissioner of Labor.

Dr. HENRY MOSKOWITZ, was called upon by counsel for the Commission.

Mr. ELKUS: Will you give your full name and the name of the society you represent, if any?

Dr. MOSKOWITZ: Madison House, East Side Settlement.

Mr. ELKUS: You have examined a number of these bills which are being considered by the Commission?

Dr. MOSKOWITZ: Yes; I have examined bills Nos. 6, 7 and 8, and I want to make a suggestion regarding bill No. 6. I notice that in your very elaborate scheme of reorganization, you create grades of inspectors and heads of departments, and increase the number of factory inspectors and revolutionize the organization of the State Bureau of Labor.

I was intensely interested in your civil service provisions because I thought that having established such a very interesting scheme of organization, it was very important to determine the status of the employees and insure their tenure of office and particularly to provide these important employees a career. You have here a very interesting scheme of gradation which will give these different employees an opportunity to advance from one grade to the other. You establish your State heads of bureaus and it struck me that in view of this fact, some very definite provision should be made as to their status as civil service employees. I notice here simply that you say they are subject to the civil service provision — their removal is subject to the civil service provision.

Mr. ELKUS: Their appointment and removal?

Dr. MOSKOWITZ: Their appointment and removal. That means you accept the present Civil Service Law?

Mr. ELKUS: Yes.

Dr. MOSKOWITZ: But you still give the Commissioner the power of removing all subordinate officials, subject to the Civil Service Law.

Mr. ELKUS: Yes; that means after a hearing.

Dr. MOSKOWITZ: Does it?

Mr. ELKUS: Yes.

Dr. MOSKOWITZ: Does it also mean that it does not give the Commissioner the power of summary dismissal?

Mr. ELKUS: Oh, no; it says under the Civil Service Law which means that he must give them a hearing; the Commissioner must give him a chance to explain, that is what it is.

Dr. MOSKOWITZ: Does it mean a hearing, does it mean it gives him a chance to defend himself in case he is unjustly dismissed?

Mr. ELKUS: Certainly.

Dr. MOSKOWITZ: Does it give him also the proper safeguards so that he can feel his position is secure?

Mr. ELKUS: It is a civil service position, the same as it is now.

The CHAIRMAN: He is in the same position as the local civil service employees.

Dr. MOSKOWITZ: I think that ought to be pretty clearly formulated in the bill, and of course, if you say so, Mr. Elkus —

Mr. ELKUS: That is what it was drawn to do; that is the object of it.

Dr. MOSKOWITZ: I thought it was vague just there. In the first place I would not give the Commissioner the power of summary removal; I would make it very clear in the bill — subject to a fair hearing.

Mr. ELKUS: Are you satisfied with the present Civil Service Law?

Dr. MOSKOWITZ: In respect to factory inspectors, yes, sir. But not with respect to supervising inspectors — I am dissatisfied with it. I think that no supervising inspector should be exempt from the Civil Service Law and I go so far —

Mr. ELKUS: The reason I ask you that question was that this bill simply continues the present Civil Service Law as to removal of employees. It makes it no stronger, it makes it no weaker. It places them under the same law.

Dr. MOSKOWITZ: I would like to suggest that some of the important heads of bureaus be placed under the Civil Service Law, as they are important.

Commissioner SMITH: All eight are under the classified Civil Service Law by recent order of the board.

Dr. MOSKOWITZ: I am glad to hear that the exemptions have been abolished, which is very good news. I would also make this suggestion: In bill No. 7 I think that your provision for an advisory board is too inelastic. In the first place, I think it is too big, and it would be much better it seems to me if you made your board smaller and then empowered the board to name from time to time experts, or people acquainted with the particular industry, and let them sit with the board and legislate, instead of having a committee of seven —

Mr. ELKUS: How many would you have?

Dr. MOSKOWITZ: I would have a committee at the most, personally, of three, and let them add four, so as not to have a big inelastic committee; but have a permanent committee of three and let them add from time to time experts to their number, those who are acquainted with the conditions of the industry and then let them legislate with the committee and with the Commissioner of Labor.

Mr. ELKUS: You are in favor of the general principle of an advisory board?

Dr. MOSKOWITZ: I am with the general principle; and I am glad your principle is based upon a commissioner of labor and not upon a commission, because I think that you centralize responsibility, and with the proper use of your advisory board you can accomplish a great deal.

I think those are the two suggestions that I wanted to make, Mr. Chairman.

Mr. ELKUS: You are in favor of the principle of both bills?

Dr. MOSKOWITZ: In favor of the principle of both bills, subject to the change with reference to the advisory committees, making them smaller and making them elastic so that you can take in the experts whenever the commission is considering the conditions of a particular industry.

Mr. ELKUS: Are you in favor of this method of having a discussion about proposed bills?

Dr. MOSKOWITZ: Very much in favor of it.

Commissioner DREIER: Did you hear Mr. Brentano's question, this morning?

Dr. MOSKOWITZ: I do not know.

Commissioner BRENTANO: I would like to ask you the same question I asked Dr. Wise, whether for the moment you would put the consideration of this entire bill aside, and think of the formation, as a permanent body of the State, of a welfare commission, whose functions and duties would be to suggest the wisest legislation in all sociological matters, not alone as affecting direct manual labor, but for the entire citizenship of the State, and its suggestion to be enacted into legislation, which would touch upon the various other departments, and leave the labor department its present function of putting into execution the laws, visiting factories, inspecting them occasionally, but leaving the higher and greater and broader aspect for permanent and constant improvement in all these conditions with a body of trained men who are really within knowledge of these facts and keep within knowledge of them, not behind hand, but constantly abreast.

Dr. MOSKOWITZ: Well, that is a pretty big question, Mr. Brentano, I must say; if you establish a general welfare board, you must have a pretty clear knowledge of what the functions of that board must be. You cannot merely specify that that board is organized to further the general welfare of the State.

Mr. BRENTANO: No, to direct, and make yearly its report to the legislature, and other times to respective bodies, as State Board, make suggestions, and make it as I said this morning a general clearing house regarding the knowledge of all these questions that come up as practical measures day by day, leaving it to the head of this body, making him a permanent commission and then having an associate board of people elected who are interested in these questions, just like our State charities board

is composed, like our hospital boards of the State are composed, and similar bodies.

Dr. MOSKOWITZ: I think you will have great difficulty in specifying the function of this board, and you will have great difficulty in preventing duplication of effort.

Commissioner BRENTANO: I would not intend to give such board power directly; it would be more for the purpose of intelligent and trained formation of judgment and opinion which would be enacted into law by the proper lawmaking bodies, and then these objects that these bills are designed to carry out will be fulfilled by the respective departments which will be authorized to carry them out. You really call for that, in a measure, and you all meet, in this discussion, it seems to me, with the question of the advisory board. That is just what I mean to establish, to call for expert service in various divisions.

Dr. MOSKOWITZ: It seems to me the advisory board here has a very definite function; that is why it appeals to me. This advisory board consists of experts, and those experts they call in are cognizant of the conditions they are supposed to regulate, and that is a very definite and desirable use of the advisory board.

Commissioner BRENTANO: Absolutely, and the welfare commission would have the right to call upon trained and expert help.

Dr. MOSKOWITZ: I think it ought not to preclude the use of advisory experts for service in the Labor Department. I think it is more important to have them there.

Commissioner BRENTANO: That is quite true. The only difficulty we seem to meet with in the Labor Department is in dividing its functions into so many parts—they cross each other's paths.

Dr. MOSKOWITZ: I think the theory of this bill is an excellent one—the concentration of responsibility, the expansion of the Bureau of Labor, and the use of experts. I think it is a splendid scheme and along right lines, and I certainly hope that a measure of this sort will be enacted into legislation.

Commissioner BRENTANO: And you think that that can be successfully done within the Bureau of Labor?

Dr. MOSKOWITZ: I think so; it is the custom followed in Europe. I understand that Wisconsin is very successful along the same lines. That is using a commission, and I do not see why New York should not be successful.

The CHAIRMAN: You are not in favor of a commission?

Dr. MOSKOWITZ: Oh, no, I am not in favor of a commission. I do not think that there is but one way of salvation, by any means. I think that the New York experience is that we ought to move our legislation along the line of least resistance — along the line of its development, too. Our development has been the commissioner of labor, and I do not see any reason why we should not develop along that line, unless we prove this method does not work. We have not proved that by any means.

PAUL KENNADAY, of the New York State Association for Labor Legislation, was then called upon to state his views.

Mr. KENNADAY: Mr. Chairman, Mr. Counsel and members of the Commission: I represent the New York Association for Labor Legislation, and also a committee of doctors, a committee on industrial disease. Both the association and the committee have been spending a great deal of time over these very excellent tentative bills of yours. I may say in general that the committee and the association wish me to congratulate the members of the Commission on the very thorough work that they have done. The committee on industrial diseases has asked me to report to you that they recommend such an advisory board within the Department of Labor as is contemplated in your bill, except that in the opinion of the committee the Commissioner of Labor should act as chairman of that board; that the commissioner should have a vote within the board, but should not have the power of veto, and that the board should be given power to appoint unpaid committees, which committees are to have the powers of investigation and the right to appoint experts to be paid by the Department of Labor.

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The Association for Labor Legislation which I also represent and of which I am a member, request me to say to you that they approve of your scheme, your general scheme for an advisory board; they express no opinion on the question of a commissioner versus a commission. They hope to see the civil service features of your bill somewhat strengthened, particularly when your tentative bill at present reads "Subordinate officers shall be appointed under civil service rules," and that that word "subordinate" be stricken out, and that they are of the opinion that the salary of the commissioner should be somewhere between \$7,500 and \$10,000.

These also, like the industrial disease committee, lay particular stress upon voluntary advisory boards. That feature has not been dwelt on to any extent in this hearing to-day. It seems to me it is one of the most important features of the bill, that there shall be authority within the department to set up supplementary advisory boards. You take certain technical questions, and your advisory commission can have no expert opinion on these questions. Matters such as lead poisoning, or the prevention of steam in dye houses are technical matters. It would be very desirable to have a committee of experts from the trade give an expression of the trade under question, that committee then reporting back to the advisory board. Its findings of course should not be mandatory upon the advisory board, but in this way you would have an advisory board which would give the Department of Labor final expert word, which it seems to me is particularly desirable.

Now, if I may change myself from a representative of a committee into a plain citizen, I wish to give various reasons why I believe personally that along with these many radical changes in the labor law which you are proposing, that you shall go just one step farther and propose a commission rather than a commissioner.

We are all agreed that an advisory board is essential and is one of the finest recommendations your Commission can make. We all see that these matters of rules, regulations and standards cannot be adequately treated by the Legislature itself. In other words, we are all agreed that a certain delegation of legislative

authority is desirable. It is of course well known that legislatures are very careful in delegating authority which has been given to them by the people, and that the courts are still more careful in this respect, hence it follows, it seems to me, that any advisory board which you appoint will be a board of very great authority and standing in a community, and the tendency will be in the process of time that this board will become so large and so authoritative that the commissioner will occupy a rather secondary place, and that the commissioner will then be able to shift the responsibility which would be an extremely unfortunate outcome.

We want to place the responsibility on the head of the department; we do not want him to shift the responsibility; we do not want to attract public attention to the advisory board to such an extent that it shall not be attracted to the commissioner.

The second reason I find is this, that there will appear before this advisory board great financial interests, and the labor interests will appear before it, and the battles that you are familiar with, that take place now in committee rooms of the Legislature will take place largely before this advisory board. Here again the advisory board will come into a position of great prominence and here again the commissioner will sink, not into oblivion, but he will not be as prominent as the board.

I do not think it will do to subordinate this authority of the advisory board to any other, nor can there be two powers within the department of equal prominence. It seems to me that one must be supreme, otherwise we will have friction and a shifting of responsibility from one to the other. The advisory board, moreover, it seems to me, must have its own experts, and so must the enforcing arm of the department.

The CHAIRMAN: If the commissioner is made chairman of this advisory board, would not that do away a good deal with your argument that in time his influence would be lost within that of the advisory board itself, therefore he would become a subordinate rather than the man responsible.

Mr. KENNADAY: Well, I should prefer a commission of three, and that these three commissioners should divide the work up

among them, but if you have a commissioner as such, and a commission of seven, let us say, the Commissioner of Labor is the dominant influence in there, and it is not really a deliberating body.

The CHAIRMAN: It will be advisory, just what you call it?

Mr. KENNADAY: It will be advisory, but its advice might not be taken.

Commissioner DOWLING: That is why it is called an advisory board?

Mr. KENNADAY: I suppose so, that is why I should change it to industrial commission.

Commissioner DOWLING: You wish it to have the power to make the rules in the board, instead of the commissioner having any say?

Mr. KENNADAY: I want them to make the rules and regulations, but I say in so doing, they will come into such a position of prominence that the commissioner will be able rather to shift responsibility and dodge from under, and we do not want that to happen whether you shall decide on the commission or the commissioner; of course you will arrange some plan whereby there shall not be a shifting of responsibility; that would be fatal to the whole scheme.

Mr. ELKUS: That of course is the trouble, Mr. Kennaday; how to arrange a plan so as not to shift responsibility.

Mr. KENNADAY: Well, I think I have one here.

Mr. ELKUS: Without having one commissioner.

Mr. KENNADAY: I think I have one here, where that is provided for. I have studied this very long and diligently with many others, and I cannot see that any of your other plans would result in any other than a shifting of responsibility, which as I say would be fatal. You get the advisory board —

Mr. ELKUS: You get an advisory board of which the Commissioner of Labor is chairman and then the Commissioner of Labor must carry out the order of the advisory board.

Mr. KENNADAY: He is a mere member of the advisory board.

Mr. ELKUS: He is the chairman of it.

Mr. KENNADAY: But the chairman of it has just one vote.

Mr. ELKUS: Yes; but you take the chairman of this Commission, he only has one vote; but he runs the Commission.

The CHAIRMAN: That of course is not so. It is meant as a compliment.

Mr. KENNADAY: It seems to me that your advisory board must either have authority or not have authority; it must be one thing or the other, and you must clearly define in the statutes what its authority is, and you must make it really responsible. Another good point it seems to me, is that the advisory board of seven is altogether too big for consultation and deliberation and efficiency. I think the result will be, if you have an advisory board of seven, some members will attend to their work and some of them will not. If it is as big as that, no one man will feel a deep personal responsibility in the work. I should much prefer three or four, at the outside, five.

One of the most satisfactory features of the Wisconsin Act is that they have the authority to appoint supplementary boards, voluntary boards in particular industries. That, it seems to me, we should have here. We shall miss a great opportunity if we do not provide for that, and if you have these supplementary boards, they report to the advisory board, which in turn reports to the commissioner. I would again think that here we might omit the advisory board and have a subordinate board reporting direct to the commission. In the matter of arbitration and mediation, I find strong argument in favor of the commission rather than a commissioner. I do not think anybody can claim that the matter is adequately handled in this State at the present time; it is too big an undertaking to leave to a subordinate, no matter how efficient he may be. It is of the very highest importance to the industrial population of this State and to employers generally that they should get, not a subordinate, but the very head of the department on this job.

I should say that with a commission, however, an industrial commission, that one member of the commission might have the

settlement of disputes, industrial disputes assigned to him, then I would work that out in some such way as this: I would follow the New Zealand process with which I am familiar through a residence of nine months in that colony. I would have the commissioner the chairman of boards to be appointed in the particular industry as the dispute arises.

Now, in New Zealand, from which, by the way, we can learn many important lessons, they have tried many different ways of settling industrial disputes, and they have found that the best way is to have a commission ready to send when the strike occurs, but composed of those who are particularly familiar with the industry; and I have been at boards, sat at board meetings, where they have gone over a great thick log, in the saddlery trade, for instance, involving several thousand items, with the employers, and the employees, and the minister in the middle, but he did not know anything about it, acting as chairman. They went over the thing with skill and understanding and great rapidity.

Mr. ELKUS: What became of the minister?

Mr. KENNADAY: The minister was just there to hold the peace. At the first meeting there is a great deal of talk on both sides, very heated, and the minister keeps the peace as well as he can. Then after that he acts more or less as a dummy, to put the motions and so on, and once in a while has to cast a deciding vote. But I think here we should have a stronger scheme, by not having a dummy, but having the commissioner as chairman, and when the deciding vote is to be cast, he can cast it with a certain amount of understanding.

Mr. ELKUS: Are you in favor of the general plan outlined in these bills for the reorganization of the labor department, with the exception that you favor a commission of three at the head of the department instead of a commissioner?

Mr. KENNADAY: Yes; I think I would. If you decide to have a commissioner, and an advisory board, I greatly hope that you will not have an advisory board as large as seven, and that you will not have it composed, as proposed in your bill, of a doctor and a civil engineer and so on, because there I see the danger of fail-

ure to deliberate within this advisory board. A question involving, for instance, the regulation of lead coming up before the advisory board, if they have a doctor there, they would turn it over to him and they will be apt to follow his recommendations without studying the subject themselves, and it will not be a board of consultation, but rather a board within which one member will be supreme in these particular industries as they come up.

I should much prefer to see these three men who have had experience in industry, a labor man, and perhaps all three labor men — I should, perhaps, prefer to see it that way, but men of practical affairs and general common sense.

Commissioner DOWLING: What do you mean by labor men?

Mr. KENNADAY: Well, as distinguished from employer, a capitalist.

Commissioner DOWLING: You mean to say you would have an employee of some of the factories in the State.

Mr. KENNADAY: On this commission?

Commissioner DOWLING: Yes?

Mr. KENNADAY: Why I think among the laboring, so-called laboring population, there is excellent material for such a board as you want here. There are many union officials, for instance, who would sit on such a board very properly. I think perhaps it would be just as well to have one representative employer — I do not think it is really essential. The point is to get three men of good sound judgment and wide experience in industry, rather than these individuals who have had their particular training in medicine or engineering.

Commissioner DOWLING: As provided and suggested here?

Mr. KENNADAY: Yes, sir.

Mr. ELKUS: Is there anything further?

Mr. KENNADAY: I think that is all.

Mr. ELKUS: You have a written report, have you not?

Mr. KENNADAY: I have a written report which is now being circulated for individual signatures.

empt from the preposterous provision that advantage must be given to war veterans. When women come into the service, at least it is presumed that they come in on their merits on an examination, without gifts of points.

For those two reasons we hope the number of women proposed in the bill, the proportion of women will be increased.

The CHAIRMAN: You would not favor an allowance for experience in a particular industry?

Mrs. KELLEY: No, particularly not mercantile industry, for inspecting offices and mercantile industries.

Commissioner DOWLING: Why should we say anything about the number of women or men?

Mr. KELLEY: Because when there is not a specified number of women, the tendency always is to put in men, because if there is a provision that there shall be *not less* than a given number, the tendency is inevitable. Throughout the whole history — we have seen that for the last twenty-five years when women began to be appointed in this State, as far back as in 1889, and in Pennsylvania in the same year — the tendency is always to appoint the minimum number of women the law allows, and for this particular work women are in many respects especially suited. They have an alert interest in enforcing the law on behalf of women and children, for whom, after all, this legislation with regard to factories, workshops and mercantile establishments is largely intended.

Commissioner BRENTANO: What percentage of women did you say?

Mrs. KELLEY: I think they ought to be half.

Commissioner BRENTANO: Fifty per cent?

Mrs. KELLEY: Yes; the women and children in all the mercantile industries are increasing very rapidly.

The CHAIRMAN: You don't make that 50 per cent with the hope of getting 25 per cent?

Mrs. KELLY: No; I never do that.

Commissioner DOWLING: Why are women especially qualified?

Mrs. KELLEY: Because for a given salary you can always get a better educated woman than you can a man; they are available. That is a matter of experience.

Commissioner DOWLING: That is not so in everything.

Mrs. KELLEY: For this kind of work experience shows that it is so. We have the experience of twenty years in three or four different states.

Commissioner DOWLING: That is to say you can get women cheaper than men?

Mrs. KELLEY: You can get a better quality of woman for a given salary.

In the matter of continuing the present arrangement of having a commissioner instead of a commission, I would like to point out two considerations in favor of not having a commission. I wish to point out two considerations in favor of continuing our form of organization, with a commissioner, and responsible bureau heads, responsible individuals all the way up and down. We have commissions in only two states; in both states they are new, and neither state is industrially developed in anything like the way New York State is developed, and neither state has any such accumulation of long experience as we have. We have accumulated wisdom and errors, and can avoid our errors in the future, in the light of our experience. To establish a commission is to set sail in a perfectly new sea, in a perfectly new craft for us. The Wisconsin commission has still to make its record. It is new and in an industrially new state. It has at present no lesson of experience whatever for us or for itself.

Mr. ELKUS: May I add it only has five thousand manufacturing establishments.

Mrs. KELLEY: There is no analogy. In Illinois the commission is even newer and they have no accumulated experience, such

as we have, in which to learn of their own errors in the past. They have no such wisdom accumulated through error as we have.

The CHAIRMAN: Of course we have a commission in the shape of the Public Service Commission — rather a new thing.

Mrs. KELLEY: What I have suffered in the transportation system of the city of New York does not incline me to substitute the commission form of government for the Department of Labor. I believe in perfectly unified responsibility all the way down.

There is one thing to which attention has not been called, namely, a commission has very great powers to act, but it has also infinite powers to leave things undone. There is no way of charging Mr. Crownhart, Mr. Commons or Mr. Beck, in Wisconsin, with the things left undone. With all our bills, we know who is responsible. When we say to Mr. Williams "Why are the inspections of the stores so insufficient, as we all know they are?" It is Mr. Williams who has to answer, and his answer is perfectly clear, "I have not enough inspectors;" "I have not enough money;" "I have not enough power." Then we know where the difficulty lies, and in the next Legislature the matter can be remedied. I think that covers the ground which the Consumers' League desires to have covered. We hope we may continue along the road on which we have made the most creditable beginning that has been made in any state in this country.

Mr. ELKUS: You are in favor, Mrs. Kelley, of the principle of these bills?

Mrs. KELLEY: Entirely; yes. The only change I would suggest is a change in detail.

Mr. ELKUS: Are you in favor of this method of having hearings and investigations upon legislation?

Mrs. KELLEY: Oh, yes.

Mr. ELKUS: Before it comes up?

Mrs. KELLEY: I think this marks a new era for the State; yes. I think the other states will all be copying it.

The CHAIRMAN: We thank you, Mrs. Kelley, for your consideration and remarks.

FRANKLIN S. TOMLIN, representing the Central Labor Union of Brooklyn.

MR. ELKUS: Mr. Tomlin, you represent the Central Labor Union of Brooklyn?

MR. TOMLIN: I do. I am secretary of the Central Labor Union of Brooklyn.

MR. ELKUS: Now we will be very glad to hear you.

MR. TOMLIN: We do not think the proposed increase either in salaries or in the executive and administrative force will increase the efficiency of the department. The inspection force has been increased to 125. In our judgment one commissioner, two deputies and eight supervisors are sufficient to oversee the work of that many, or even more inspectors. We do not believe increase in salaries will result in getting men of more force or greater executive ability than the salaries now paid. We are opposed to any advisory board outside of the department. We favor a board having power to establish standards, composed of the commissioner of labor, the two deputy commissioners and the heads of bureaus. In case some expert advice is needed the board should have power to procure such. All the force working under the department should be encouraged to make suggestions to the board as to how the work of the department can be made more effective. A suggestion made by any one in the department that proves valuable should entitle him to merit marks, which should count in aiding him when he seeks promotion. Every inspector should begin at a salary of \$1,200 and if he proves worthy he should get an increase of \$100 a year until he reaches \$1,800 which we think is sufficient pay for a good well trained inspector.

MR. ELKUS: Mr. Tomlin, you know there are only eighty inspectors in the labor bureau?

MR. TOMLIN: I thought that was increased to 125?

MR. ELKUS: The law says it shall be not more than 125.

MR. TOMLIN: That will give them power?

MR. ELKUS: You think practically the labor department should not be changed at all?

Mr. TOMLIN: Except to increase the number of inspectors. I think the present administrative and executive force is sufficient.

Mr. ELKUS: Don't you believe in the bureau of industrial hygiene?

Mr. TOMLIN: Not particularly; I think the advisory board should have the power to regulate those things. They can call expert advice if they need it.

Mr. ELKUS: Don't you think we ought to have more medical inspectors? They only have one now?

Mr. TOMLIN: I think one is sufficient.

Mr. ELKUS: It has been stated that he cannot get around to make all the inspections that are necessary?

Mr. TOMLIN: He might make one a year. We want them to do more work and earn their money. I would like to inquire if the present medical inspector does anything outside of his job, if he is allowed to practice outside?

Mr. ELKUS: No.

Mr. TOMLIN: He ought not to be. We don't object to having sufficient expert force of any kind, but it should be left to the board or the commissioner. The board, if it is made inside the department or the advisory board, if established outside, they should have the power we think to seek whatever advice they need. If necessary to employ more permanently, they should be allowed to do it. Ordinarily we think temporary advice on the subject will enable them to establish standards.

The CHAIRMAN: Whom do you say you represent?

Mr. TOMLIN: The Central Labor Union of Brooklyn. I am giving you their ideas.

The CHAIRMAN: Your idea is not to increase the number of inspectors?

Mr. TOMLIN: Yes, they want to increase it to 125; it ought to be increased to 125, probably more.

Commissioner DOWLING: They object to the increase of salaries?

Mr. TOMLIN: They do object to the increase to the highly paid officials. They think that the money that is wrung from the people that get a dollar and a half a day should not be added to the already overpaid officials. We do not think the present salaries low.

As to the administrative force, if eight supervisors cannot look over the work of fifty men, they ought to give way to somebody who can.

Mr. ELKUS: Don't you think there ought to be more technically trained men, who have training in technical matters, like engineers and chemists?

Mr. TOMLIN: As I say, if the advisory board finds them essential or advisable, let them get them; we don't object to that. What we do object to is this, creating a lot of useless offices to find good jobs for somebody. It seems the purpose of the bills is more to seek good jobs for somebody, than to get effective work for the people.

The CHAIRMAN: I do not think you know very much about the work we have been doing, or you would not say that. Your whole attitude shows me you are not fully informed as to the conditions in this State, as to the lack of proper inspection, and as to the unsanitary conditions under which people are compelled to work.

Mr. TOMLIN: Don't you think 125 people can give proper inspection throughout the State?

The CHAIRMAN: You ask me; I say no.

Mr. TOMLIN: Increase them so they will. We do not object to the number of inspectors. We say the supervising force, administrative force, executive force is sufficient.

The CHAIRMAN: Our bills are the result of a good deal of thought. As to details, in some respects, we have not reached a conclusion, but they are necessitated by the conditions that have been disclosed as the result of our investigations. We have inspected factories throughout the State; we have seen the conditions

under which our working people are employed, and we are not satisfied with those conditions. We think we can make them healthier and happier.

Mr. TOMLIN: You think you can do that by paying people high salaries?

The CHAIRMAN: No; we can do that by making the machinery larger.

Mr. TOMLIN: What do you mean by making the machinery larger?

The CHAIRMAN: More inspectors, more officials.

Mr. TOMLIN: Why do you want more officials?

Mr. ELKUS: We want experts.

The CHAIRMAN: How can you carry on a work of this kind unless you have officials?

Mr. TOMLIN: It is top heavy now, I think.

The CHAIRMAN: I am afraid you do not know what the real situation in the State is?

Mr. TOMLIN: That may be. I think one supervisor can oversee the work of fifteen inspectors, and have a very easy job.

Mr. ELKUS: That may be; one supervisor may oversee fifteen inspectors. That is not what this bill aims at. This Advisory Board is to have the power of investigating and going on and doing the kind of work that this commission has been doing, finding out about conditions, so that they are made open to the light.

Mr. TOMLIN: Has not that been done? Don't we know the conditions that exist?

Mr. ELKUS: No.

The CHAIRMAN: What are you employed at?

Mr. TOMLIN: My original occupation was glass blower.

The CHAIRMAN: Are you employed at that now?

Mr. TOMLIN: No, sir.

The CHAIRMAN: What are you now, a delegate?

Mr. TOMLIN: A gentleman of leisure, now; yes. Just making a study of these questions. I am secretary of the legislative committee of the central bodies.

Commissioner DOWLING: What trades are in the Central Labor Union?

Mr. TOMLIN: All trades.

Commissioner DOWLING: What are the principal trades represented.

Mr. TOMLIN: Machinists, printers, stone cutters —

Commissioner DOWLING: Are the trades in the Central Labor Union representative of people who work in factories?

Mr. TOMLIN: All kinds of factories.

Commissioner DOWLING: Or is it confined to the building trade?

Mr. TOMLIN: No, no; no building trades connected with it.

Commissioner DOWLING: Then the workers represented in the Central Labor Union think that a good deal of this legislation is unnecessary?

Mr. TOMLIN: Yes, they do; they think the present organization of the bureau is sufficient if properly administered, if they have more inspectors that know the conditions that prevail. We do not think the supervising force should be increased.

Mr. ELKUS: There is no project to increase the supervising force.

Mr. TOMLIN: You have two more deputies.

Mr. ELKUS: They are not supervising inspectors.

Mr. TOMLIN: I mean administrative force, executive force.

Commissioner DOWLING: How would you know what the inspectors were doing if you did not have supervisors?

Mr. TOMLIN: You have eight supervisors. If you have the force increased to 125, that gives one supervisor for every fifteen inspectors.

Mr. ELKUS: We need more than 125 men to properly inspect all the factories in this State.

Mr. TOMLIN: You say now you have only 80?

Mr. ELKUS: We have not got enough.

Mr. TOMLIN: I fully agree with you on that.

Mr. ELKUS: Commissioner Williams says it is totally inadequate.

Mr. TOMLIN: I fully agree on that. There is no more need of people at the top. Of course if they need more experts, ventilating engineers, doctors, chemists, things of that kind, let them get them.

Mr. ELKUS: Your only point is that they should be employed when needed, not put on regularly?

Mr. TOMLIN: That is right; let the advisory board determine when they are needed.

Mr. ELKUS: Then we agree upon that. The only point is, if they should be needed all the time they would have to have them all the time.

Mr. TOMLIN: That is all.

Commissioner DREIER: Your proposal is to make the supervising inspectors chief of the department, and make them the advisory board of the commission; is that the idea?

Mr. TOMLIN: The heads of the department, and the two deputies.

Commissioner DREIER: Haven't they got enough to do now? Aren't they just as busy as they can be, being the heads of depart-

ments without putting upon them this extra piece of work, which would be a very heavy one?

Mr. TOMLIN: Well, I suppose we might argue a good while as to whether these men are so busy or not. They seem to have plenty of time.

Mr. ELKUS: Well, they ought not to, they ought not to have any time. I do not think we are very far apart, after all.

Mr. TOMLIN: Personally I would not object to the advisory board, as Mr. Elkus knows.

Mr. ELKUS: I think his personal opinion is that he is in favor of the advisory board — personally because he understands the subjects better than his committee.

Mr. TOMLIN: What I am telling you here is the action taken by the Central Body. I have submitted to Mr. Elkus my personal views in a ten page article.

The CHAIRMAN: It injured me a little bit in having you say we are trying to create jobs. That is the farthest thing from the mind of the Commission.

Mr. TOMLIN: I do not say that. I just tell you it is open to suspicion by some of our people.

Mr. ELKUS: They don't know about it as well as you do.

Commissioner DOWLING: What are you going to do, what are you going to report to them, that you think we are trying to create jobs?

Mr. TOMLIN: Oh, no; don't be alarmed. I am not going to try and injure the Commission. I have great faith in the Commission; they have done good work, more than any other we have had anything to do with, and we expect to back them up in this progressive legislation.

Mr. ELKUS: You approve of this method of discussing bills before they come up in the Legislature?

Mr. TOMLIN: Decidedly.

Miss PAULINE GOLDMARK was then called upon by the Commission.

Mr. ELKUS: What is your official position, Miss Goldmark?

Miss GOLDMARK: Secretary of the New York State Consumers' League.

Mr. Chairman, there are just two points that seem to me that have been omitted to-day in the discussion on these bills. There is one contributing cause for the inadequacy of the present staff of the factory inspecting department that has not been brought out, and that is the fact that there is no way of relieving the department of inefficient members, members who have outgrown their usefulness. The question of pensions for the superannuated seems to me to be an urgent one in the consideration of the reorganization of the whole department. That would tend toward efficiency, because it is exceedingly demoralizing to have certain members of the staff that are not up to the top notch of efficiency.

Mr. ELKUS: May I ask you a question: Would it be possible for us to recommend a pension system for one department of the State? Isn't that a subject for legislation affecting all departments?

Miss GOLDMARK: I thought this Commission would have weight in recommending that.

Mr. ELKUS: They might make a general recommendation, yes.

Miss GOLDMARK: If they could not take immediate steps.

The CHAIRMAN: They have started that in separate departments; the banking department got it through this last session. It is very unscientific, of course.

Commissioner DOWLING: You would propose that a pension roll be created there?

Miss GOLDMARK: After a certain length of service; how long I am not quite prepared to say. It is a very serious proposition now to have people who cannot do the active inspection work and have to have them on the staff.

Commissioner DOWLING: Why are they not dropped if they are not efficient?

Miss GOLDMARK: Without very serious charges I do not think the labor commissioner can drop anyone.

Mr. ELKUS: They are entitled to a hearing.

The CHAIRMAN: If a man is inefficient, if he cannot work, the commissioner has power to drop him, has he not?

Miss GOLDMARK: Practically, I understand it is almost impossible.

Mr. ELKUS: Do you know how many old inspectors are in the Department?

Miss GOLDMARK: I have no idea; I think that Mr. Williams of the Department could tell you.

Mr. ELKUS: He just told me that they have them from sixty-three years to seventy-four years. At what age would you be in favor of pensioning them off?

Commissioner DOWLING: It is more a question of time, isn't it?

Miss GOLDMARK: It is a very active profession, being factory inspector. It takes alertness, keen observation, and means getting around easily for inspection purposes.

Commissioner DOWLING: Would you suppose the same age that we retire firemen and policemen — a policeman can be retired I understand after fifty-five years of age, and after twenty-five years of service.

Miss GOLDMARK: I had not thought of that exactly, as to when to pension them.

Commissioner DOWLING: If we should make a recommendation, we would have to recommend some specific thing.

Miss GOLDMARK: I think that sixty ought to be the top limit for active field service. I think it is a matter that needs consideration. I am just bringing the point to your attention.

The second point which I think has been omitted, to-day, in the general discussion is a question of the mercantile inspection and the inadequacy of the present force for mercantile inspectors, even in first-class cities. The mercantile inspection bureau has been always slighted, ever since it was created; it has never had a correct proportion of inspectors in proportion to the amount of work that ought to be done.

Now, I think that in the reorganization, the mercantile inspection ought to be brought under the general inspection, there ought not to be a separate bureau of mercantile inspection. The standards should be kept the same, and the work is of such quality as factory inspection.

Mr. ELKUS: Have you seen this blue print chart?

Miss GOLDMARK: Yes; I think I have.

Mr. ELKUS: Are you in favor of that system that makes the whole inspection one system?

Miss GOLDMARK: Under one inspection system?

Mr. ELKUS: Yes.

Miss GOLDMARK: If each one of these special bureaus is to have a separate head, with equal salary —

Mr. ELKUS: No; not necessarily.

Miss GOLDMARK: It seems to me that they are not all co-ordinate. The tunnels and quarries are less important because so much less numerous than the factories and mercantile establishments.

Mr. ELKUS: No; they are not all of the same importance.

The CHAIRMAN: They would have to be detailed by the commissioner.

Mr. ELKUS: Yes; anything further?

Miss GOLDMARK: The provision to include second class cities under the mercantile inspection seems to me advisable, and in

fact, imperative. It is necessary because the local boards of health have been so lax in enforcing the provisions.

Mr. ELKUS: In second class cities?

Miss GOLDMARK: Yes, that is one of your bills.

Miss GOLDMARK: I feel that is highly to be recommended.

The Mercantile Law applies to every town of 3,000 people, and theoretically the inspection ought to be State wide, like the factory inspection; but the enormous expenditure has prevented it. I think it ought eventually to go farther than second class cities.

Commissioner BRENTANO: I do not think it should be confined to cities of any size.

Mr. ELKUS: You know what we found out about second class cities and the local health affairs? It has been our experience that the local health boards in the smaller cities are very lax in their work. We found in one of the smaller towns that the President of the Board of Health maintained the most offensive place there was—that we ever found, I think, and he admitted it.

Miss GOLDMARK: Mr. Chairman, this was simply a matter of economy. I think the inspection ought to cover and protect all the employees in such establishments.

Mr. ELKUS: Have you any idea of how many inspectors it would take to properly inspect the factories and mercantile establishments of the State?

Miss GOLDMARK: I do not see how at the present moment you could say how many mercantile inspectors were absolutely necessary.

Mr. ELKUS: Take the factories alone, have you any idea?

Miss GOLDMARK: Mr. Chairman, I should not like to see too rapid an increase in the number of Factory Inspectors at once; I think it is a matter of growth.

Mr. ELKUS: It would not be any harm to increase the number to say 200 or 150?

Miss GOLDMARK: One hundred and fifty I should certainly say.

The CHAIRMAN: Altogether?

Mr. ELKUS: No; factory alone.

The CHAIRMAN: I mean an increase of 150?

Mr. ELKUS: No; 150 in all.

Miss GOLDMARK: That would not be excessive because I believe the creation of an industrial hygiene department is really epoch making; that it is going to help solve many of the greatest problems of inspection at the present time. We ought to have inspectors of excellent calibre, and a sufficient force.

Mr. ELKUS: That is the bureau of hygiene?

Miss GOLDMARK: The bureau of hygiene. I should like to see that bureau more carefully described, as to its particular duties, to have that more carefully phrased in the law, to include wider powers.

Mr. ELKUS: We would be glad to have your suggestions.

Commissioner SMITH: With regard to the number of inspectors required, assuming every inspector in the past has done a full day's work, it is a question of mathematics, because if seventy-five inspectors get to a factory once a year, if you want to have them visit the factories twice a year, you would want twice as many inspectors.

Mr. ELKUS: Miss Goldmark is in favor of 150.

Commissioner DOWLING: That would apply to all mercantile establishments in towns, as well as cities?

Mr. ELKUS: Yes; throughout the State.

Miss GOLDMARK: May I point out that we cannot quite calculate how many are needed, because I think there is a good deal of time wasted in inspection. There is a good deal of time wasted in trying to arrange for the guarding of particular machinery, just to take one instance, or in precautions for health, when the inspector is not properly instructed. I should hope the new department would issue such instructions that the inspection would be very much more standardized.

Mr. ELKUS: Are you in favor of this method of discussing proposed legislation?

Miss GOLDMARK: I think it is a great advance over anything we have ever done.

Commissioner DREIER: Do you propose to abolish the mercantile department and put the routine under one inspector?

Miss GOLDMARK: I should like to see that proposal carried out, having all the inspection work under one head—the mercantile inspection co-ordinate with the factory inspection, under some general supervisory head.

Commissioner DREIER: Then there would not be any need of special provisions?

Miss GOLDMARK: I still think there would be, because the two kinds of inspection are not exactly the same. I think the mercantile inspectors would not necessarily be factory inspectors.

Commissioner DOWLING: They would be detailed by the Commissioner?

Miss GOLDMARK: Yes.

Mr. ELKUS: Mr. Chairman, may I announce that to-morrow the hearing of the Commission will be devoted to the bakery situation, and that the hearings will be held in Special Term of the

Supreme Court, part 7, in the county court house, just opposite, this room being required.

JAMES L. GERNON was recalled.

Mr. GERNON: I wish to speak about the question of prosecution in mercantile cases, where children are employed by their own parents. I have here the minutes of the first case on that subject we have had in New York in the last four years. The deputies bring the cases themselves and secure convictions. The difficulty here is that they claim the parent has the right to employ his own child. There is no distinction in the law. The worst abuse in child labor is where the parents employ their own children. They work longer hours than they work for other people.

Commissioner SMITH: Have we any proposed remedy here?

Mr. GERNON: No; I want to mention that so that the Commission shall be able to take it under consideration.

Mr. ELKUS: We shall be very glad to to have that record.

Mr. GERNON: There is the question of seats, I forgot to mention this morning. I recommend that the seats be of standard height—the standard height of a chair is eighteen inches. Certain physicians tell me it ought to be less than eighteen inches. I think I would make it eighteen inches, for the reason that where they use a chair, it will conform to the law. There ought to be a minimum width of the seat. The present seat, what they call a seat, now in prominent stores are eight and one-half inches. I recommend a seat at least twelve inches in diameter, and where it is necessary to put the seat higher than eighteen inches, there ought to be a foot rest eighteen inches from the seat.

One of the greatest difficulties we have now is that under the law they can provide any kind of seat. They provide a box many of them; you might as well sit on a fence two inches wide and a foot long. They can push these under the counters, and as the patrons go through the store they cannot see the seats.

There is another question presented in permitting the use of seats after they are installed; that is a hard problem. We cannot prosecute for that without the aid of the employee, but we can make them have the seats, according to the ratio provided in the law.

Commissioner DOWLING: Don't they use seats for the purpose of placing boxes on?

Mr. GERNON: Yes; sometimes. There are stores where they have a permanent seat fastened to the fixtures. They furnish the required number of seats, but they take them out in cleaning, and the inspectors call and then find a violation. I have found instances where the seats were thirty-six inches from the floor, that it would be impossible for any woman to sit on.

Commissioner DREIER: May I ask whether it would be feasible for you to undertake this expert work of the advisory board as suggested by Mr. Tomlin; is there time enough?

Mr. GERNON: Well, you don't have very much time, particularly in our bureau, where we have so few inspectors, and so much to do. If the work could be properly systematized with enough inspectors, the work would be easier for the inspectors. It is easier for the head of the bureau. The difficulty we have had is we have any number of conditions to meet. The inspector has to go out in the district before seven o'clock. Only last week two of them were out at 3 o'clock in the morning on complaints. They have to be out after ten o'clock at night. In addition to that they have to be in court. We have a number of cases in court, and the inspectors have to go to court to follow up their cases and he may be working in the day time, and goes out and works again at night. Almost every Saturday night they work, looking for violations, after seven, and after ten.

The Commission at this point adjourned to meet to-morrow morning, December 3, 1912, at 10:30 a. m., in Special Term, Part 7, room of the County Court House.

Adjourned to December 4th, at 10:30 a. m.

STATE OF NEW YORK — DEPARTMENT OF LABOR
BUREAU OF MERCANTILE INSPECTION,
FOURTH AVENUE BUILDING, COR. 27th STREET,
NEW YORK CITY.

NEW YORK, *December 5, 1912.*

HON. ROBERT F. WAGNER, *Chairman, New York State Factory
Investigating Commission, 170 Broadway, New York City.*

DEAR SIR.—In compliance with your suggestion that I submit in writing, such changes as I think necessary to amend article XI, I hereby submit the following for the consideration of your Commission:

Section 161. Children under sixteen to be prohibited from employment in bowling alleys and hotels.

Strike out the word "Establishment" after the words "Shoe polishing," on the eighth line; there has been some question raised as to whether a stand is an establishment. If the word "Establishment" was eliminated, it would cover all shoe polishing.

Under the provisions of section 161, children between fourteen and sixteen have eleven hours, in which to work nine hours; it would be advisable to shorten this period, as provided in section 77 of article VI, which makes the starting and stopping time conform to the actual hours that the child can be legally employed, allowing for lunch time.

That part of section 161 relative to the hours of females between sixteen and twenty-one, allows fifteen hours in which to work ten hours. It would be well to make this regulation apply to all females over sixteen years of age, and require the posting of a notice such as is provided in paragraph 4, section 77 of article VI.

Section 161-a. No child under sixteen to be employed in any business specified in section 161-a. This section was enacted on the theory that a telegraph boy or messenger might be sent to some immoral places; if there was justification for the prohibiting of persons under twenty-one in such employment during the

hours between ten o'clock in the evening and five o'clock in the morning, there is every reason why children should be prohibited from such employment in the day time.

It would be advisable to extend the provisions of section 93 of article VI to include mercantile establishments. Section 93 prohibits the employment of a child in any "Distillery, brewery or other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled," and it would be well to add "Or where such goods are handled or distributed."

Sections 162-163-164-165 and 167 to be made identical with sections 71-72-73-75 and 76 of article VI. There is every reason for this: The theory has been held by some that the employment of children in factories is harder than in mercantile establishments; children who are employed in mercantile establishments are generally employed as messengers, or in connection with the delivery, and they are on their feet most of the time; their hours at present are longer than those who are employed in factories.

Section 168. This section to be made to conform to the standard provided in section 88 of article VI, and apply to all establishments covered in section 161. Under the provisions of section 168 we cannot order toilet accommodations in any place other than a mercantile establishment. There should be provision, in the law to compel the cleaning of the premises; at present we have no jurisdiction where the closet may be clean and the premises adjoining the closet in a filthy condition.

Section 169. This section provides permit shall be granted where water closets are in connection with a lunch room. It would be advisable to do away with the granting of permits, and provide that such lunch rooms be kept clean and sanitary at all times.

Section 170. This section be changed to require that the seat be eighteen inches from the floor. Where it is necessary to have the seat higher than eighteen inches, that a foot rest be provided eighteen inches from the seat, and that the seat be at least twelve inches in diameter. If such provisions are made, it will do away with many of the makeshift seats used at present.

Section 171. I would suggest that this section be amended so as to provide a definite standard of air conditions, and give power to the Commissioner of Labor to order proper means of ventilating mercantile establishments when necessary, after proper air tests had determined that such premises were below the standard set by law and injurious to the persons employed. If such an amendment should be made, it would be well to eliminate the provision making the use of the basement where women and children are employed, contingent on permission from the Commissioner of Labor to use said basement.

Yours very truly,

JAMES GERNON,

Mercantile Inspector.

HEARING OF THE STATE FACTORY INVESTIGATING COMMISSION, HELD AT THE COUNTY COURT HOUSE IN THE CHAMBERS OF SPECIAL TERM, PART VII, NEW YORK CITY, DECEMBER 3rd, 1912, AT 10:30 A. M.

Present:

HON. ROBERT F. WAGNER, *Chairman.*
HON. ALFRED E. SMITH, *Vice-Chairman.*
HON. CYRUS W. PHILLIPS.
HON. EDWARD D. JACKSON.
MISS MARY E. DREIER.

Appearances:

ABRAM I. ELKUS, Esq., *Counsel to the Commission.*
BERNARD L. SHIENTAG, Esq., *Assistant Counsel.*

MR. ELKUS: Mr. Chairman, to-day has been set aside for hearings in the matter of bakeries in the State of New York, and also to consider bill No. 26, by which it is proposed to amend the law relative to bakeries.*

I may say to-day what I have stated lately at the hearings of the Commission, that the Commission is not yet committed to any legislation upon this or any other subject; that certain suggestions have been made to the Commission with reference to proposed legislation, and in order that they might be put in form to be most easily discussed, they were placed in the form of bills and are now open for discussion.

The Commission believed that it would be much better for all concerned to have a discussion upon this proposed legislation rather than follow the practice which has usually been adopted by other commissions of this character, namely, to draft bills or recommend them to the Legislature and then have the hearings before committees of the legislature. They believed by this procedure that we have instituted that we will be able to get the best thought upon the subject and that the bills which we will

* The tentative bill referred to will be found at the end of this Volume.

finally recommend will be, as far as we can make them, the last word upon the subject.

This is a unique procedure, but thus far has been met not only with great approval but is believed to be very successful.

The first gentleman I desire to call before you to-day is Dr. Lederle, Health Commissioner of the City of New York.

DOCTOR ERNST J. LEDERLE then addressed the Commission as follows:

MR. ELKUS: You are Health Commissioner of the City of New York?

DR. LEDERLE: I am.

MR. ELKUS: And have been for how long?

DR. LEDERLE: Three years this time and two years previous to that in 1903 and 1902.

MR. ELKUS: You have already testified before the Commission about your inspections of bakeries and so forth?

DR. LEDERLE: I have. It was November 14, last year.

MR. ELKUS: Now, Doctor Lederle, have you examined the bill which is known as proposed Bill No. 26 with reference to amending the law in relation to bakeries?

DR. LEDERLE: I have in a general way, but I have not had an opportunity to study it very carefully.

MR. ELKUS: We will be very glad to have any suggestions, criticisms or anything in reference to that bill that you desire to present.

DR. LEDERLE: Well, in the first place I would urge very strongly that the matter of bakery inspection in the city of New York be placed under the jurisdiction of the Department of Health.

MR. ELKUS: That is, you answer that question which we have appended to the bill at the last page, on page 10, "Should the Board of Health be given sole and exclusive jurisdiction over the

sanitary conditions in bakeries in New York City " by saying decidedly yes.

DR. LEDERLE: In my opinion it should, very decidedly. There are a number of reasons for that.

MR. ELKUS: We will be glad to have you give those.

DR. LEDERLE: In the first place I think the people of the city of New York should decide whether they want clean, sanitary bakeries, and if they do I think they should be willing to appropriate the money so that that condition can be brought about. I think that the city of New York through the Department of Health is in a position to do this work more economically and more effectively than any State board or commission could, on account of its present organization.

The Department of Health in the last few years has paid a great deal of attention to the condition of foods and food stuffs that are sold in the city. If I can recall from memory the figures, I think that during the last year, this Department has seized and caused to be destroyed at least 21,000,000 pounds of foods as unfit for human consumption. During last year, particularly on account of a larger number of sanitary inspectors that the Department has had, we have made large numbers of inspections surrounding the sanitary conditions with which foods are prepared in the city, and we intend to continue that work and constantly raise the standard of cleanness and of the quality and condition of the food supplied.

MR. ELKUS: Dr. Lederle, will you say a word upon the necessity for your actions or proposed actions? I mean, as to the disease which may be communicated through bakeries?

DR. LEDERLE: I think the fact that the Department has caused to be seized and destroyed, 21,000,000 pounds of food, I think would answer that; and I am quite sure that if the Department had better facilities, a still larger number of pounds of food would have been seized and condemned.

Now, that means, that through the inspectors, the Department is trying to inspect all places where food is prepared for sale, and that naturally takes us into the bake shops.

Now, it would seem unfortunate that the State should have a set of inspectors going through the bake shops and making examinations of the material used in the preparation of the foods in those places, and another set of inspectors perhaps, city inspectors, going through those bakeries and examining into the sanitary conditions surrounding the preparation of the food.

We think that if that work is important and should be done at all, it should be done under one jurisdiction; and I am of the belief very strongly that that jurisdiction should be the Board of Health.

Mr. ELKUS: Now, may I draw your attention to this, doctor; the question of bakeries being licensed. Would you be in favor of their being licensed, or would you be in favor of some form of sanitary certificates being issued after they have once been examined, or both?

Dr. LEDERLE: I do not think that that is so very important. I think if the matter is put under the direct supervision and charge of the Board of Health, we will work out a plan which is practicable and feasible, and whether that would include the license I am hardly prepared to say. There are some distinct advantages in having them obtain licenses, because then —

Mr. ELKUS (interrupting): You are speaking solely from the viewpoint of New York City?

Dr. LEDERLE: I am, yes.

Mr. ELKUS: And not for the rest of the State?

Dr. LEDERLE: No, I am not speaking about that. I am more familiar with the conditions in the city than I am in the State; I am speaking entirely from the standpoint of New York City, that each man who intends to go into that business should then be immediately informed of what the requirements are, and under a license system I would suggest that the Department would first approve or disapprove of the site where the bakery is to be located.

Mr. ELKUS: Well, you would require every man who wanted to open a bakery to get permission of some kind?

Dr. LEDERLE: Well, I think that would be the most thorough method of doing it; we apply that same principle to other industries.

Then, after the sites were approved, the baker would submit plans and specifications for fitting up the place, and when they are approved he would get his license. Then we would know that the bakery was in the condition which complied with the different rules and regulations the Department promulgated.

Mr. ELKUS: In this bill, proposed bill, it is provided that there should be a sanitary code for bakeries. According to the bill that is to be drawn by the Department of Labor, of course if the Health Department had exclusive charge in New York city —

Dr. LEDERLE: This is what I refer to. In our plan I would simply insert a section in the Sanitary Code requiring that bakeries should be licensed, if that would be the plan that would be decided on, and that bake shops should be operated under rules and regulations adopted by the Department. Make that first provision general, and have the actual carrying out in the rules and regulations which will be modified as necessity arises.

Mr. ELKUS: And those rules and regulations have the force of statute?

Dr. LEDERLE: They have the force of statute.

Mr. ELKUS: Now, Doctor, is there anything further in reference to this subject that you would like to lay before the Commission as to the bill and its provisions, or as to any other facts which have come under your observation, about which you would like to inform us?

Dr. LEDERLE: Without wishing to testify as an expert, I notice in glancing over this bill, section 13, in paragraph 8, prohibiting employment of diseased bakers.

Mr. ELKUS: That is on page —

Dr. LEDERLE: Page 4, the bottom of page 4. It would seem to me advisable to have in that bill a general statement giving the

Department of Labor or the Labor Commissioner the power to promulgate rules and regulations without trying to insert in the bill itself such very specific regulations as you have here, because I think from time to time those regulations would have to be modified, and as I say, while I do not want to testify as an expert I can see that you will get into considerable difficulties, particularly on the question of tuberculosis. The question of submitting certificates from physicians. We know that there are some forms of tuberculosis that are rather difficult to diagnose, and we have in our experience in the Department, we are constantly sending patients to the hospital who have such certificates from private physicians. The ordinary practitioner may not have the facilities of examination that a department, like the Department of Health has, and I can see that you might encounter considerable difficulties. Then, the broad term of tuberculosis would include conditions in patients that it would be difficult to determine whether those conditions were communicable, and I think that you will want to avoid a—

Mr. ELKUS: You would put that all practically in the Sanitary Code which is provided for in this bill, and give general authority—

Dr. LEDERLE: Well, the Board of Health, let the Board of Health have the power to promulgate such rules and regulations as the Commissioner finds necessary.

Mr. ELKUS: Now, as an expert, let me ask you this question: Should any person be permitted to be employed as a baker who has any of these diseases named in this section?

Dr. LEDERLE: Well, I do not think I would want to testify as to that. I am not a physician. I should prefer that some of our physicians would give specific testimony on that point. But I will say this: that I am satisfied that if it is necessary to apply such a regulation to bake shops, it is necessary to apply that regulation to a great many other industries much more important than bake shops.

Mr. ELKUS: For instance?

Dr. LEDERLE: For instance, cooks in restaurants.

Mr. ELKUS: Now, Doctor, let me ask you, what is your opinion with reference to the physical examination of bakers?

Dr. LEDERLE: I would include that in my last statement. That if it were found advisable and necessary to do that for bakers, that I would feel that same regulation would have to be pretty widely extended, and I think if it were under the jurisdiction of the Health Department I think the Department would feel that way.

Mr. ELKUS: You would be in favor of doing it or not?

Dr. LEDERLE: Well, from our standpoint I think that there are matters in the Department that we are not able to care for now, that are so much more important than this. I think it is desirable, but I think it is one of those things that I think would come eventually, but I should not want to pick it out as one of the more important things that the Department is not now doing. I think there are much more important things.

Mr. ELKUS: Would it be covered in this way, by giving authority to the Department to do it?

Dr. LEDERLE: Why, I do not know that that would be necessary. I think that if you will separate through your State laws, the question of jurisdiction as to bake shops, I think the Department would have sufficient jurisdiction and power to work out those problems satisfactorily. I do not think there is any question about it. I don't think they would have to give the Department itself any further power than it has now, if they would just make that definite separation.

Mr. ELKUS: Now, what is your opinion with reference to cellar bakeries? In this proposed act, as it is drawn, on page 9, you will find it begins, "that no bake shop shall hereafter be located in a cellar," and, "this proposed prohibition shall not apply to a cellar used and operated as a bakery on the 15th day of November, 1912, or that was so used or operated at any time within six months prior thereto. No such cellar shall be entitled to such exemption unless satisfactory proof of its use as a bakery as herein specified be furnished to the Commissioner of Labor in

such form as he may require within six months as this act shall take effect." I would like to get your views upon that?

Dr. LEDERLE: I think if we had the drawing up of rules and regulations for the city, I should not at this time wish to make the regulations quite as strict as that. Although in general the light and airy bakeries are very much easier to be kept clean. The so-called underground bakeries in this city that I have seen, have most of them been in a very unsatisfactory condition.

Mr. ELKUS: Unsatisfactory?

Dr. LEDERLE: Unsatisfactory. But I do not think that that is entirely due to the fact that they are under ground. I think it is on account of the people who are operating them. They were unsatisfactory. They didn't seem to know what cleanliness was. Now, I am not prepared to say how satisfactory and how far we can bring about cleanliness in those so-called underground cases; we have not tried. We have not been in the position to try very hard.

Mr. ELKUS: You understand that this provision would not apply to present cellar bakeries, it would only apply in the future.

Mr. LEDERLE: I understand that.

Mr. ELKUS: Of course, it would be a great hardship to deprive a man who has established himself already; but this question only deals with the future.

Dr. LEDERLE: Why, it would be an advantage; there is no question about it. But whether they should give us power first to insist upon it through a legal regulation, I am not prepared to say until I can determine that we can keep the others clean. I think that from what I have seen, it is going to be very difficult to keep them clean unless the people who are operating their bakeries change their methods very very considerably.

Mr. ELKUS: But a cellar bakery is more difficult to keep clean than one that is above the ground.

Dr. LEDERLE: Why, I do not think there is any question about that.

Mr. ELKUS: It is?

Dr. LEDERLE: Yes, certainly.

Mr. ELKUS: Is there anything further, Doctor, you would like to tell us about?

Dr. LEDERLE: Why, the last time I appeared before you I gave you a few statistics of what our department is doing, and with your permission I would like to read you a memorandum of the statistics that have occurred since I appeared before you last.

Mr. ELKUS: Surely; proceed.

Dr. LEDERLE: At that time I think we agreed that the principal jurisdiction of the condition and the care, official care of bakeries was under the supervision primarily of the State authorities, and yet the Department of Health had not been entirely inactive. I believe I appeared before you on November 14, 1911, just about a year ago, and since that the Department of Health through its inspectors has made 7,500 inspections of bakeries for the examination of the food stuffs therein prepared and sold; and 117 prosecutions were carried on as a result of those inspections. Those inspections represent 7,500 individual bakers. As to sanitary conditions surrounding the preparation of the food in these bakeries, the inspectors of the department from November 14, 1911, until November 2, 1912, have made 7,092 inspections, and as a result of those inspections, 287 notices were issued. That does not include the action that was taken through what we call personal effort, where an inspector got after conditions and had conditions changed by pointing them out to the proprietor and not going through the formality of issuing a definite written notice. The 287 include the places where actual notices were served. So that, as a summary, we have for the last year 15,275 inspections, including sanitary conditions and conditions of food products; 392 notices issued; 117 prosecutions carried on on account of unwholesome and improper food being sold from those places or being prepared in those places.

Mr. ELKUS: What were the results of these prosecutions? What did you do?

Dr. LEDERLE: I haven't had time to follow this up, but I will be glad to give you the results in every case.

Mr. ELKUS: Will you send it to me?

Dr. LEDERLE: I will.

Mr. ELKUS: How many inspectors do you think it would require to inspect and take entire charge of the bakery situation in New York City?

Dr. LEDERLE: I do not think — last year I worked that out, but I haven't it in mind.

Mr. ELKUS: You have not made any change about it?

Dr. LEDERLE: I worked it out. I worked it out before, and I will be very glad to look it up, but it would be mere guesswork to answer that question now.

Mr. ELKUS: If this inspection of bakeries is turned over exclusively to the Department of Health in New York city, would your Department be equipped and qualified to take care of the machinery situation so far as there was unguarded and unsafe machinery?

Dr. LEDERLE: We would hardly be able to take care of any part of the situation at the present time.

Mr. ELKUS: I mean if you were equipped for the purpose, would you? You see the Labor Department now has charge of all unguarded or unsafe machinery wherever it exists, practically. Now, if this bill was changed in accordance with your answer to the question as appended to the bill, would you take charge of the machinery or have the Labor Department do that?

Dr. LEDERLE: Well, I am not a lawyer; I think we could from a practical standpoint, I think we certainly could do it.

Mr. ELKUS: It is a question of policy, that is all.

Dr. LEDERLE: I think we could do it.

Mr. ELKUS: We would not want duplication of inspection as it is to-day, and you would not want it.

Dr. LEDERLE: I think the inspection service should be simplified.

Mr. ELKUS: Is there anything further, Doctor?

Dr. LEDERLE: I do not think of anything at the present time.

Mr. ELKUS: Mr. Chairman, there are a number of gentlemen here representing bakeries and bakers. The bakers themselves have an association, and if you have no objection and Dr. Lederle has none, if they want to ask him any questions, I think we can extend that courtesy to them.

Dr. LEDERLE: I have no objection.

Assemblyman SMITH: There is no objection on the part of the Commission.

Mr. ELKUS: Is there anybody who would like to ask Dr. Lederle any questions?

BERNARD GOODMAN, President of the Greater New York Taxpayers' Association, then questioned Dr. Lederle as follows:

Mr. GOODMAN: I would like to know if you deem it advisable to install mechanical devices of ventilation into cellar bakeries?

Dr. LEDERLE: Why, I do not think that I could answer off-hand, because that is a very general term, the conditions even in so-called cellar bakeries are very much different in individual cases. If necessary to obtain proper ventilation in those bakeries, I certainly think it should be insisted upon. Anything that would bring about proper ventilation, if it is possible to do it, mechanical or other devices, should be applied.

Mr. GOODMAN: Unmindful of the fact that mechanical apparatus would blow the flour and necessitate thereby the removal of the baker from this so-called bakery.

Dr. LEDERLE: Oh, I don't think that. I think that means —

Mr. ELKUS: You mean they won't have something that is absurd?

Dr. LEDERLE: I think that means of ventilation can be devised that will be practical and could be practical, that would not blow the flour around and make it impossible for the baker to work. I think that might be the danger if you put some hard and fast rule about it, but I think that each case would have to be treated as a separate problem, the way we treat any other problem of ventilation. We have no really ready made devices.

Assemblyman PHILLIPS: I wanted to ask counsel whether the word "cellar" includes a basement partly above ground with windows in it and light?

Mr. ELKUS: In the Labor Law cellar is defined in section 107, I think it is, page 59 of the Labor Law, and it is in this law, too; it is repeated in our bill, page 2, line 7, "The term cellar when used in this Article shall mean a room or part of a building, which is more than one-half its height below the level of the curb or ground adjoining the building, excluding arcaways."

Assemblyman PHILLIPS: That is regardless of the number of feet it may be above the ground?

Mr. ELKUS: Yes.

Assemblyman PHILLIPS: And if it happens to be a deep cellar and had more air space above the ground than a shallow cellar, although it has less than half, as the cellar might be a deep one, and have four or five feet above ground, while a shallow cellar might have more than half of its distance above ground, and yet only have three feet above ground?

Mr. ELKUS: Yes.

Assemblyman PHILLIPS: But there are cellar bakeries here then which do not have any windows at all above ground?

Mr. ELKUS: I think that is so. There are a great many of them that have no windows at all; entirely below the level.

Assemblyman PHILLIPS: I suppose that presents quite a different condition, and I wondered if the Commissioner had that in mind?

Dr. LEDERLE: I do, and I should like to see the problem taken up in that way, that if a bakery exists in a certain cellar, so-called underground bakery, if proper provisions can not be made to give proper light and ventilation in that bakery then I think it should be closed.

Assemblyman PHILLIPS: But if there is?

Dr. LEDERLE: Well, I can conceive that it would be possible to bring about conditions that would make it entirely satisfactory. I would think that would depend on individual cases. But I think that perhaps in many of those cases the expense would be too great; they would not be able to afford it, and would have to give it up on that account. But I think there is a little risk in making a hard and fast rule.

Commissioner DREIER: But for a new bakery?

Dr. LEDERLE: I would be very strict in regard to the establishment of a new one. You see, under the plan suggested as to the approval implied and secondarily the approval of plans and specifications before they get their permit, why, they could all be regulated. That is done in the case of establishing slaughter houses where poultry is killed and where sausages are manufactured. We have worked out the rules and regulations in those industries.

Mr. ELKUS: Mr. Chairman, Dr. Abraham Korn, President of the United Real Estate Owners' Association, would like to question Dr. Lederle.

Dr. KORN: I would like to ask the Commissioner what makes him believe that bakeries — and I refer now to existing bakeries, I do not want to refer to bakeries hereafter erected or that may be established — what makes the Commissioner think that in the existing bakeries in cellars or basements, they are more difficult to be kept clean than those above the street line providing you have the proper proprietor to take care of the bakery?

Dr. LEDERLE: Well, that is a very large proviso.

Dr. KORN: Well, make that proviso. If a person is unsanitary he will be just as much unsanitary above ground as under ground.

Dr. LEDERLE: No, I do not think so, because the question of light enters into that very largely.

Dr. KORN: In what way, Commissioner?

Dr. LEDERLE: Why, just the physical appearances, the question of seeing whether the place is clean or not.

Dr. KORN: Well, can not artificial light do the same as natural light?

Dr. LEDERLE: Well, I can conceive that it is theoretically possible, but practically it has not worked out that way.

Dr. KORN: Doesn't it work out in all our big loft buildings in New York City where it is practically dark and they have to use artificial light for cleaning purposes? And they are above ground and are kept just as sanitary as those that are kept clean by natural light. Isn't it a fact that our loft buildings in this city have to be kept clean by artificial light?

Dr. LEDERLE: That is true, but they don't carry on, as a rule, that kind of business.

Dr. KORN: Isn't it a fact, that a great many of the manufacturing industries have to be kept clean by artificial light at night instead of by natural light?

Dr. LEDERLE: That is true.

Dr. KORN: And if that is the case in matters of this kind, manufacturing industries of that character, isn't it just as possible and just as reasonable to keep the now existing bakeries, with artificial light, just as sanitary and clean?

Dr. LEDERLE: Why, I think I said it was possible, but it is hard. I did not advocate any decided rule in that respect. I have not yet been shown that the bakers of the city can and will keep their bakeries in a sanitary condition, located as they are; but I think there is a great improvement in the last year, I think they are working under great difficulty in trying to do it in these cases. It is very much more difficult for them to do it. I think they have to have more men and a better class of men.

Dr. KORN: Isn't it a fact the difficulty now with the proprietors and bake shops that you call cellar bakeries, is due to the number of various departments that interfere with the jurisdiction of those bake shops?

Dr. LEDERLE: No.

Dr. KORN: Especially in tenement houses?

Dr. LEDERLE: No.

Dr. KORN: Well, we will see—

Dr. LEDERLE: (Interrupting) It is due to the bakers themselves; it is not due to any department. It is due to the uncleanly condition of the places. They are not kept clean.

Dr. KORN: There are three departments that have supervision over bake shops in cellars, to-day, is not that so?

Dr. LEDERLE: Well, probably more.

Dr. KORN: You have the Department of Labor, the Health Department, the Tenement House Department, the Fire Department?

Dr. LEDERLE: Yes, four departments.

Dr. KORN: There are four different departments that have jurisdiction to-day over bake shops in cellars?

Dr. LEDERLE: And still they are not kept clean.

Dr. KORN: They are not kept clean, because the orders are all contradictory. And we will prove that on the stand, when we get a chance.

Assemblyman SMITH: The Doctor doesn't want to hold that any one of those departments ordered the baker to leave the dirt there?

Dr. KORN: No, we do not want to leave that impression at all. We are absolutely in favor of all provisions to make them sanitary.

Dr. LEDERLE: If you give us the inspectors and put them under the Health Department, we will see that they are kept clean, and that they keep it up.

Dr. KORN: That is the proposition we urge before this Commission, that it should be placed under one department.

Mr. ELKUS: That is what we are talking about now, the question of which department.

Assemblyman SMITH: I hope this gentleman will remember that this is a great privilege given to him; permission has never been given before to ask these questions.

Commissioner DREIER: Don't you think the kitchens in the big hotels should be under the Department?

Dr. LEDERLE: Yes, theoretically they might, and eventually they will.

Commissioner DREIER: You do not think they should be included in this bill?

Dr. LEDERLE: I think we will have to arouse a little more sentiment in the city to bring that about. You know, they have now taken away 19 of our Sanitary Inspectors who have been working the last year in the Department, and without the help we can not do that work, we can not take up new matters that we would like to take up.

Commissioner DREIER: But if they are taken away from you, why, how are you going to expect to get better conditions in the bake shops?

Dr. LEDERLE: I do not think it is a question of the bake shop.

Commissioner DREIER: I mean the help, and the money.

Dr. LEDERLE: I think in promulgating rules and regulations there is always a certain proportion of the people who will comply with them without being forced to do so by our inspectors and the Department, and in that way the rules and regulations do some good, but it is rather a dangerous thing to have a lot of rules and regulations promulgated by a department which they are not

able to carry out. It puts the department constantly on the defensive and in a very embarrassing position.

Commissioner DREIER: The question in my mind is whether the State would not be more likely to get the necessary means to carry this out than the Health Department of the City of New York.

Dr. LEDERLE: In past experience I do not think that has been demonstrated. We are marching on and doing a lot of new work that we have never done before; every year we are doing more work. Look at our records and I think you will find we are getting results.

Commissioner DREIER: Well, do you think that all bakeries in the city of New York should be entirely under your Department without any regulation by the State at all? I mean in New York City?

Dr. LEDERLE: Of course, where it comes to fire regulation, I do not think we should.

Commissioner DREIER: On these questions.

Dr. LEDERLE: I think the sanitary regulations should be under the Department of Health.

Commissioner DREIER: I mean the examination of the bakers.

Dr. LEDERLE: I think if it is necessary, it should come under the Department of Health. We have the facilities and laboratories to make the examinations, and I think it could be done much more economically and effectively than by an outside commission.

Commissioner DREIER: Do you think the State should have the law requiring the examination of bakers -- do you think that should be a rule of the Department?

Dr. LEDERLE: Why, I think it would be advisable to have a general clause giving the Commissioner the right to make the necessary rules and regulations, and then he can make those as broad as he thinks necessary.

Mr. ELKUS: You can have some general provision that the bakery can be kept in a clean, safe and sanitary condition, and

shall be so located and so licensed as the Department of Health may direct, and the Department of Health be authorized to make rules and regulations to carry out these provisions?

Dr. LEDERLE: Yes, but I am speaking— Miss Dreier, I understood, asked me about the regulations by the State. We were then speaking of general State regulation.

Commissioner DREIER: No, I mean in the State, and separating New York City entirely from New York State. I wanted to know whether we should turn over the bakeries to you without any provision at all in the law, or whether we should make some provision in the law.

Mr. ELKUS: The general provision, as I understood, is what Dr. Lederle means.

Commissioner DREIER: That is it.

Mr. ELKUS: Alone, yes.

Dr. LEDERLE: Personally I should prefer to simply have New York exempted and let New York work out its own problem.

Mr. ELKUS: Thank you very much, Doctor.

Dr. LEDERLE: I would like to say to the Chairman of the Committee that the Department is ready and willing to help out in any possible way, that all the force at our command is at your service to aid you in any way possible.

Mr. ELKUS: Thank you very much.

Assemblyman SMITH: The Committee appreciates your offer very much.

Dr. JOHN A. BENSEL, then addressed the Commission as follows:

Mr. ELKUS: Will you state your official position and how long you have been connected with the Department?

Dr. BENSEL: I have been connected with the Department of Health since 1896, June 28th, and have been Assistant Sanitary

Superintendent and Sanitary Superintendent for the last ten years.

MR. ELKUS: You have already appeared before the Commission and testified?

DR. BENSEL: Now, Doctor, have you examined this proposed bill No. 26, with reference to bakers, and will you give us your views about it, and also about this general subject?

DR. BENSEL: I have. To go to the back of the proposed bill first and answer those two questions.

MR. ELKUS: The two questions that are affixed to the end of the bill?

DR. BENSEL: Yes.

"Should the Board of Health be given sole and exclusive jurisdiction over the sanitary conditions in bakeries in New York City?"

I believe they should. I believe it belongs to the Department of Health. It is a matter of public health, and not a matter of labor to any extent. The reasons have been gone into very extensively by Dr. Lederle, and we talked over the reasons together very considerably, so I need not go into that again. It seems to me they have been covered very well indeed. We would avoid a dual jurisdiction and dual responsibility; we would avoid a duplication of effort and duplication of inspection. I think it is an economy to put them under one department; and it is a mistake to put them under any State Department.

The second question: "Should a sanitary certificate from the Department of Labor instead of a license be required?"

I think it makes no difference whatever. It is simply a question of controlling conditions in bakeries. We find as a matter of fact in the Department of Health that you can thoroughly control conditions much better for establishments which are liable to become public nuisances in one way or another if they are managed under a system of permit first, and I cannot see any reason why these should not be managed in exactly the same way.

Now, if it is under the jurisdiction of the Department of Health of the City of New York, then so far as the City is con-

cerned, the bill becomes unnecessary because there are plenty of provisions, so far as law is concerned, for the management and for the abatement or removal of unsanitary conditions in bakeries. If on the other hand it becomes necessary to have some bill, I would like to make some very frank criticisms to this bill.

Mr. ELKUS: Well, if authority is given to the Department of Health it would have to be some bill giving them authority.

Dr. BENSEL: There is ample authority now.

Mr. ELKUS: You mean then we would have to exempt the bakeries from the Department of Labor, that is, take it away from the Department of Labor?

Dr. BENSEL: Yes.

Commissioner DREIER: But if there is ample authority now why don't they do it now?

Dr. BENSEL: Simply because, besides authority, Miss Dreier, we must also have means.

Commissioner DREIER: How are you going to get the means? You have not been able to get them.

Dr. BENSEL: I think that when the people realize that if they want bakeries put in sanitary condition they must have means and must have inspectors just as the State department, if it took up the work, has, of course, got to have means —

Commissioner DREIER: But they do know the bakeries, have been, in many of the cases, filthy, and it has been due to lack of authority, and these conditions have gone on, and while they had the authority, why could not the State come in there and do it when the city did not do it.

Dr. BENSEL: The City has been in the gradual process of getting means for different things for twenty years. It has been doing this thing and that thing and the other thing in addition to what it has already done, and it is impossible in one year to get a sufficient appropriation to do everything that should be done, and this is one of the things that apparently has been permitted up to the present time.

Commissioner DREIER: Do you think there is any reason to believe, if we take all of the bakeries and put them under the Health Department in New York city, that you will next year be able to get enough means to cover the expense of inspection of the bake shops in the city?

Dr. BENSEL: If I said yes to that I would be assuming responsibility for what some one else would do. It is a question of the Board of Estimate granting the appropriation, and that I can't say. They might do it and they might not do it.

Commissioner DREIER: You see my interest is simply to improve conditions in the bake shops.

Dr. BENSEL: And my interest is the same.

Commissioner DREIER: We want to put the authority where it is most likely to accomplish results. It might be in the city, but if they are not going to get the means to do it, I think we should put it in the State.

Dr. BENSEL: The bake shops now are far better than they have been at any time, so far as my knowledge goes back in the Department of Health, and it has been without any appropriation whatever, and without additional means to carry on the work.

Now, if we have additional means to carry on the work there is no reason why that work should not go on at once. There were lots of bakeries put out of business and never came back, and there were others put out of business temporarily until they got the means and that has been done, as I say—

Mr. ELKUS: Now go on with your statement and take up the bill in detail.

Dr. BENSEL: The provision on page 4 with regard to prohibiting employment of diseased bakers. You mention tuberculosis, which has already been discussed very largely by Dr. Lederle. You mention scrofula, which does not mean anything to the average man. And you mention loathsome skin diseases, which includes everything or nothing, as you choose to put it, and it does not prevent any one who is a typhoid carrier from working in a bakery and transmitting the disease to thousands of people.

Typhoid carrier is one of the things that has come up very recently, and I mention it for that reason.

Mr. ELKUS: That is one who carries the disease?

Dr. BENSEL: No. A typhoid carrier may be a person who has had the disease 20 or 30 or 40 years before, and from time to time he gives off typhoid bacilli, and there is nothing to prevent him from being employed in bakeries, and it is a hard proposition to prepare any statement of any disease that should be a reason for prohibiting such work, and it should be left out entirely.

Mr. ELKUS: How would you word it — no person who has —

Dr. BENSEL: (Interrupting) I would not word it. I would leave it out, leave it for the rules and regulations to state how it should be managed.

To go a little further, on page 5 it says that no person shall be employed where the medical inspector refuses to grant a certificate. A medical certificate I regret to say is one of the easiest things in the world to obtain. They obtain them all the time and now, where they should apparently not be obtained. It is not criticism. It is simply a lack of experience along certain particular lines, experience in contagious diseases, which allows of it, permits people who have not any knowledge or haven't had any experience to give these certificates.

I think if you should have any provision of this kind in the law that you should require that the medical inspector should make the examination himself.

Mr. ELKUS: And not take any other physician's certificate?

Dr. BENSEL: And not take any other certificate whatever.

Mr. ELKUS: Are you in favor of an examination of bakers, physical examination?

Dr. BENSEL: In a broad general way, yes, but why talk about bakers? Why not cause —

Mr. ELKUS: We are legislating for bakers now.

Dr. BENSEL: But there are so many other places more important than bakeries.

Mr. ELKUS: I agree with you, but we have got to begin somewhere.

Dr. BENSEL: In a broad general way, I think it is a very feasible thing.

On page 4 in the statement, line 20, 19 and 20, read: "lockers shall be provided for the street clothes of the employes," which would prohibit a most desirable thing. The most desirable thing would be an open room where the employes could leave their street clothing separate entirely from the baking establishment, and that would absolutely prohibit it. We have found that unless lockers are very carefully made and constructed, that there is no place where vermin will congregate and will develop and will harbor themselves more than lockers. They require very careful cleaning, and they are always dirty, because they are always badly laid out.

Commissioner DREIER: And even with the open locker, the wire lockers?

Dr. BENSEL: It is very difficult to keep them clean because it is difficult to light a locker. They are generally in the least useful part of the shop, and it would naturally be the darkest part. The separate room would be really the desirable thing.

If it is deemed advisable to issue a permit, we have found that it is best to issue a permit for a year, as has been stated in the bill. But when permits are issued a year from the date of issue you have all expiring at one time and have all the work thrown on the Department at one time, and it would be rather undesirable.

Mr. ELKUS: Well, there is nothing in the bill which prevents the licenses being issued one day to run for a year from the day, and thereby eliminating the trouble you anticipate.

Dr. BENSEL: The great tendency is to issue certificates once a year and have them expire on one day.

On page 9, to my mind is the most serious defect in the bill. I am speaking of course very frankly.

Mr. ELKUS: Surely.

Dr. BENSEL: I think that the prohibition, broad prohibition against a cellar bakery is absurd. A cellar bakery is a bakery

which is only half of its level below the street level. The other half is probably provided with direct sun light, with direct light, it is properly lighted, and that should not apply. There are many instances, several instances I remember very distinctly, having made an inspection myself, where bakeries were entirely below the level of the street and they were beautiful. They could not have been better under any circumstances. I can not see any reason why, if ventilation is provided to a certain extent and artificial electric light is provided to a proper extent, why a bakery should not be situated any where they please to put it.

I do think in view of the fact that many cellar bakeries are in bad condition and are only lighted with gas and badly ventilated, that they are never kept clean, but I do think it would be possible under rules and regulations to have the cellar bakery maintained only by special permit for that particular cellar.

Mr. ELKUS: You understand, Doctor, that you need not hesitate about criticising, because these are not the bills recommended by the Commission, they are simply put in bill form because they are much easier to discuss than in any other form. They are more concrete.

Dr. BENSEL: Well, for that reason I think that the broad prohibition is absolutely wrong. It would be wrong.

Mr. ELKUS: Even for future buildings?

Dr. BENSEL: Even for future buildings. If a cellar bakery is bad in the future it is bad now, and if there is any cellar bakery that is being operated now which is a detriment to the public health, it should be put out of business absolutely now.

Mr. ELKUS: There are a great many of them, are there not?

Dr. BENSEL: I haven't a doubt there are some still, there are a number that should be put out of business. I think that covers just about all I have to say about the bill.

Mr. ELKUS: Is there anything further you would like to tell us about?

Dr. BENSEL: I think there is nothing that has not been gone into very thoroughly by Dr. Lederle.

Mr. ELKUS: Does any one desire to ask any questions?

Dr. ABRAHAM KORN, then questioned by Dr. BenseL as follows:

Dr. KORN: I would like to ask the Doctor, to-day your inspectors do inspect bakeries in reference to foodstuff and other matters that come under the jurisdiction of the Health Department, do they not?

Dr. BENSEL: They inspect bakeries, yes, at times.

Dr. KORN: At times?

Dr. BENSEL: Yes. We haven't a force, Doctor to cover bakeries all the time.

Dr. KORN: But they do inspect bakeries?

Dr. BENSEL: They are centered on one place to-day for probably a week and one particular variety of places, and then transferred to some other activities.

Dr. KORN: When your inspectors go to a certain section of the city to inspect foodstuff they certainly inspect the foodstuff in the basement of these bakeries, don't they?

Dr. BENSEL: They do at times, yes.

Dr. KORN: Would it be much more difficult for those inspectors, if a proviso is made to take from the State Factory Inspection all bakeries and put them under the Health Department, would it be much more expensive, much more difficult for those same inspectors to have the authority to make the sanitary inspection while they are on the premises?

Dr. BENSEL: No, of course not.

Dr. KORN: So it would not be such a great matter to the citizens and taxpayers of this city to provide a few more inspectors and while they would be making these inspections of foodstuffs,

they could at the same time take in the sanitary conditions of the bakeries?

Dr. BENSEL: Of course they could.

Dr. KORN: With very little expense?

Dr. BENSEL: Well, that is a varying term. I do not think it is much expense to the taxpayers to employ thirty-five or forty additional food inspectors when we have only seventeen or eighteen for the whole City of New York now.

Dr. KORN: When you have more work you must have more inspectors?

Dr. BENSEL: Yes.

Dr. KORN: But it could be accomplished under the jurisdiction of the Health Department at a very little increased expenditure to that which they now have in their department and at the same time save the State a great deal of expense?

Dr. BENSEL: I think that is perfectly true.

RAYMOND B. FOSDICK, formerly Commissioner of Accounts of the City of New York, was called and questioned as follows:

Mr. ELKUS: Mr. Fosdick, you have examined this proposed Bill No. 26, and you are familiar with the bakeshop situation?

Mr. FOSDICK: Yes.

Mr. ELKUS: You made investigations when you were employed as Commissioner of Accounts, I think?

Mr. FOSDICK: Yes.

Mr. ELKUS: Will you give us your views with reference to the proposed legislation?

Mr. FOSDICK: I do not come in any critical capacity at all. I think the bill represents a splendid piece of constructive legislation. I question that one section, and that is the section that Dr. Lederle mentioned, in regard to putting the jurisdiction with the Commissioner of Labor in Albany.

Mr. ELKUS: Well, you are now referring to the questions at the end of the bill?

Mr. Fosdick: Yes.

Mr. ELKUS: That is the subject we want to have discussed.

Mr. FOSDICK: I think the jurisdiction should be centered with the Board of Health in the City of New York.

Mr. ELKUS: Exclusively?

Mr. FOSDICK: Exclusively. I don't think that this bill as it stands now would remedy the situation very much, for the reason that the Board of Health already has general jurisdiction over this subject under that general clause in the charter, 1196, I think it is, and the result would still be a conflict of jurisdiction. I do not see any particular object in taking a sanitary measure like this out of a city department and centering it in a State department. I do not think anything is gained by that.

Mr. ELKUS: Well, one department or the other should have exclusive jurisdiction, isn't that so?

Mr. FOSDICK: Yes.

Mr. ELKUS: The whole trouble is where we have this dual power and dual authority, and then each one shifts it on the other.

Mr. FOSDICK: Yes; and as long as the Board of Health has an organization and must necessarily have general jurisdiction of the sanitary measures in the city of New York, I think it ought to have specific jurisdiction over bakeshops. I think the purpose of the bill is splendid, in making the thing specific. I think it ought to be specific. The fault that has been mentioned that there would not be an appropriation in the Board of Health to carry this thing out, that is a fault to be settled later. I think we ought to have the thing theoretically correct first and then we can put the responsibility on the Board of Estimate or Board of Aldermen for giving them money enough to see the thing through.

Mr. ELKUS: Is there anything further you would like to discuss with us?

Mr. FOSDICK: On page 9, section 6. In regard to cellar bakeries. I disagree with Dr. Benschel in his testimony on this point. I certainly think cellar bakeries ought to be prohibited.

Commissioner DREIER: In the future?

Mr. FOSDICK: In the future, yes. Of course, we appreciate the fact this section would probably be unconstitutional if that provision was not inserted in regard to bakeries in operation prior to November 15, 1912.

Mr. ELKUS: Yes.

Mr. FOSDICK: I know that in my experience out of 145 bakeries which we examined, they were all cellar bakeries, we didn't find one that was in sound sanitary condition. I do not think out of those bakeries, that we did find one, that could have been put in a sanitary condition. Dr. Benschel mentioned for instance the bakeries that are half below ground and half above ground, that might be put in a splendid sanitary condition. The number of those bakeries are very, very small, I should say if they exist at all they might be three or four around the city, they don't go more than that.

Mr. ELKUS: Out of how many?

Mr. FOSDICK: Out of 145 we did not find one.

Mr. ELKUS: How many cellar bakeries are there in New York City?

Mr. FOSDICK: That is only an estimate. The figures have changed since we undertook our investigation. I could not say to-day. But out of the 145 that we examined there was not one that could be put in sanitary condition, and this unsanitary condition was due to the fact that it was located in a cellar without light, without proper ventilation, without air.

Assemblyman PHILLIPS: You mean entirely underground and no windows?

Mr. FOSDICK: Occasionally there were windows way up at the top, but they never admitted any light or air, and I do not think they ever would.

Assemblyman PHILLIPS: Suppose they were four feet above ground, do you think that would be sufficient provision?

Mr. FOSDICK: It might. I would want to see the bakery first.

Assemblyman PHILLIP: Regardless of the depth?

Mr. FOSDICK: That four feet might —

Assemblyman PHILLIPS: The bill suggests that if they are half above the ground. That would mean fully four feet above the ground on an eight-foot cellar. I suppose if that was all right, if that was nine feet and only four feet above ground it would be just as well — well, half, it doesn't mean — it is not essential provided it is far enough above ground.

Mr. FOSDICK: Where it is six feet above ground, I do not think you could get adequate light, air and ventilation under those circumstances.

Page 9, section 115, of the Sanitary Code for bakeries, I think that is tremendously important provided this Sanitary Code and this sanitary provision become part of the Sanitary Code of the Board of Health and are incorporated in the regulations.

Mr. ELKUS: That was in case they give exclusive jurisdiction to the Board of Health.

Mr. FOSDICK: Yes. So the baker knows exactly what he has got to do. I might mention that on page 5 you speak of medical inspectors in the Department of Labor. That is another argument, I think, against putting it in the Department of Labor. You will have medical inspectors in the State department and medical inspectors in the city department.

Mr. ELKUS: Is there anything else you would like to tell us about?

Mr. FOSDICK: I don't think of anything. I think the bill is a splendid thing provided it is altered somewhat.

Mr. ELKUS: Well, the bill was drawn just to put it in that form so the questions could come up.

Does any one want to ask Mr. Fosdick any questions?

Dr. KORN: In reference to your windows in bakeries, do you refer to windows in the basement in the front or the rear of the bakery also or just the windows that give light from the front of the bakery in cellars, as you call them?

Mr. FOSDICK: I suppose it would refer to both.

Dr. KORN: Do I understand in the 140 odd bakeries you have inspected there is no entrance for light in any part of the bakery, either rear or front?

Mr. FOSDICK: There might be some light in front.

Dr. KORN: How is it there might? You are not positive that there was?

Mr. FOSDICK: I can't recall now, in the 145 cases.

Dr. KORN: That is what I wanted to find out.

Commissioner DREIER: Do you think in regard to the examination of bakeries, that there should be a law that there should be a physical examination of bakers?

Mr. FOSDICK: I hardly feel that I am competent to answer that question. That is a medical question I should say. I think Dr. Lederle mentioned on the stand that scrofula was an incorrect term to insert into a bill of this kind. I should say that was a medical question. I do not think I am in a position to answer that. If any social good can come out of a measure of that kind, if it could be worked with perfect fairness, I think it would be a good thing.

Mrs. CHAMBERLAIN: Do you think that in a cellar bakery the air could come in from the level of the street over the fresh made dough, that it would be possible to make it sanitary?

Mr. FOSDICK: I do not think it can be made sanitary. I do not think there is much hope for the cellar bakery in New York. I think that can be governed largely by what Chicago did in this very same instance. They tried overseeing the cellar bakeries for three years and found it did not work, so they put a hard and fast rule as one of their ordinances just abolishing and wiping out cellar bakeries entirely, and you do not have them in Chicago any more, except such as were in existence at the time the ordinance went into effect.

HARRY M. RICE, Commissioner of Accounts of the City of New York, was then questioned by the Commission, as follows:

Mr. ELKUS: You have examined this bill with respect to bakery legislation, and you have made some study of the subject yourself, have you not, Commissioner?

Mr. RICE: Yes.

Mr. ELKUS: We will be very glad to hear you about the whole matter.

Mr. RICE: Well, I am very much inclined to think that the bill is a very good thing. I think the regulatory control of it should be placed in the Board of Health.

Mr. ELKUS: Of New York City?

Mr. RICE: Of New York City.

Mr. ELKUS: You answer the question appended to the bill by saying yes. To question No. 1 would you say yes?

Mr. RICE: Yes. It might possibly not be a bad scheme to have the State Labor Commission retain power to make inspections occasionally to see whether the Board of Health is carrying out their proper provisions.

Mr. ELKUS: What would they do if they would find that they did not?

MR. RICE: That would be—I do not know exactly how you would work that out, other than to call their attention to the fact, and through publicity probably.

It is provided in the bill for a license, and you might cover the criticism that there is insufficient force to take care of this matter by fixing a fee for that license. There are other things that are licensed in the City of New York that carry with it a fee.

MR. ELKUS: I will be very glad, Mr. Rice, if you will go right on and give us any of your views in reference to this subject of the bill.

MR. RICE: That is about the only thing, except possibly that the penalty for violations of the law seems to be only the revocation of the license or a suspension until the remedy is made. It might be well to add a stronger penalty for a second offense than merely revocation of the license, otherwise the baker, if he wished to do so could continually violate the law, and his only trouble would be remedying the condition before he could proceed. I do not think of anything else, any other criticisms or any other suggestions, and those are only minor matters, otherwise I think the law is a very good one.

ALBERT E. PLARRE, President of the New York State Association of Master Bakers, then addressed the Commission as follows:

MR. ELKUS: We will be very glad to hear from you. How many members are there in your association? A. About 1,500.

MR. ELKUS: All over the State?

MR. PLARRE: All over the State.

MR. ELKUS: Where do you live yourself?

MR. PLARRE: Brooklyn.

MR. ELKUS: And you are a master baker?

MR. PLARRE: Yes, sir.

MR. ELKUS: Go right ahead, sir.

Mr. PLARRE: The first notice which I take of this bill is this question on page 10, where it says that should the Board of Health be given sole and exclusive jurisdiction over the sanitary condition in bakeries in New York City. I will say no to that question.

Mr. ELKUS: Not the Board of Health?

Mr. PLARRE: No, not the Board of Health, for the main reason that the bakeries are under the jurisdiction of the Factory Department and they should be treated, while they are deemed to be factories, as factories.

To terms in regard to cellar bakeries not being as was stated so that they never could be kept clean, I differ very much. I am under the impression, and I am quite sure that each and every cellar bakery can be kept just as clean in the cellar as it could be kept clean above ground.

Mr. ELKUS: Well, is it a fact that they are kept clean?

Mr. PLARRE: They are kept clean to some extent, yes, sir.

Mr. ELKUS: To some extent?

Mr. PLARRE: Yes, sir, from our organization. We have not gone to each and every one —

Mr. ELKUS: You have not?

Mr. PLARRE: No, not in every instance.

Mr. ELKUS: What does your association do in reference to keeping bakeries clean?

Mr. PLARRE: That is our main business, to look after clean bakeries.

Mr. ELKUS: How do you do it?

Mr. PLARRE: By putting up committees to look after it.

Mr. ELKUS: What does the committee do, examine bakeries?

Mr. PLARRE: Last year we took a general inspection, and we got very good results by doing this. We cleaned up more bakeries in two weeks than all the inspectors did in years.

Mr. ELKUS: How many did you clean up?

Mr. PLARRE: In about two weeks we cleaned over five hundred.

Mr. ELKUS: How did you do it?

Mr. PLARRE: By going around and looking after them and telling the people what they should do.

Mr. ELKUS: How many bakeries did you find needed cleaning?

Mr. PLARRE: Well, there was a little something to say almost in every one.

Mr. ELKUS: Almost every one?

Mr. PLARRE: Yes, sir.

Mr. ELKUS: How many were there that your committee visited?

Mr. PLARRE: We visited over 560.

Mr. ELKUS: Over 560?

Mr. PLARRE: Yes, sir.

Mr. ELKUS: Go right ahead, Mr. Plarre.

Mr. PLARRE: That is why we claim, by going around last year we found that cellar bakeries could be kept clean, only some people have a little more carelessness than others, but after they have been told that things must be so and so, they merely went and did it, and I claim to-day conditions in bakeries are much better than they were a year ago. That is the main object of our organization, to have clean and sanitary conditions in bakeries and bake shops.

We are advocating this right along in the association, and every one must obey it who joins the organization, and must live up to the motto, "purity and cleanliness," and the men do it.

Mr. ELKUS: Have you had any inspection by the committee since the one you made a year ago?

Mr. PLARRE: From the local association? Yes, sir.

Mr. ELKUS: How many inspections?

Mr. PLARRE: From time to time we sent out committees.

Mr. ELKUS: What does this committee do, go around and visit the bakery?

Mr. PLARRE: They go around in some district and visit the bakeries and report back to the local.

Mr. ELKUS: Anything else you would like to say?

Mr. PLARRE: Not much more. I think if the bakeries are left under the jurisdiction of the Factory Department as it is, and the Department works, it gives the organization a little chance to work co-operative, hand in hand, and I think the best results can be gained in that way.

Mr. ELKUS: Are you in favor of the licensing of bakeries?

Mr. PLARRE: I do not see any necessity for it.

Mr. ELKUS: Are you in favor of the physical examination of bakers?

Mr. PLARRE: If it is done by their own doctor I would say yes.

Mr. ELKUS: Only by their own physician?

Mr. PLARRE: Yes.

Mr. ELKUS: Not by any medical examiner?

Mr. PLARRE: It would create too much trouble if it would be any other way.

Mr. ELKUS: Too much trouble?

Mr. PLARRE: Yes, in the shop, and all over the neighborhood and so forth. But if they would be examined by their own doctors before they enter the work, I think it is proper.

Mr. ELKUS: Well, you heard what Dr. BenseL said about their own physicians' certificates not being any good in many cases. What do you say about this?

Mr. PLARRE: I am not a doctor. I could not say anything about them. I am under the impression that I am a baker, and

a baker knows his business, and when a man is a doctor he ought to know his business, and if he don't know his business he ought to be put out of it.

Mr. ELKUS: You, yourself, have a cellar bakery?

Mr. PLARRE: Yes, sir.

Mr. ELKUS: Are there any windows in your bakery at all?

Mr. PLARRE: Yes, sir.

Mr. ELKUS: How far below the ground is it?

Mr. PLARRE: It is level with the sidewalk.

Mr. ELKUS: Level with the sidewalk?

Mr. PLARRE: Yes, sir.

Mr. ELKUS: Where are the windows?

Mr. PLARRE: On the — one window leading to the sidewalk and the door, and two windows in the rear part of it, and a door. I have got two doors and three windows.

Mr. ELKUS: How many men have you working in your bakery?

Mr. PLARRE: Two at night and two in the day time.

Dr. ABRAHAM KORN, President of the United Real Estate Owners' Association, then addressed the Commission as follows:

Dr. KORN: We will turn back to page No. 10, and I want to endorse the sentiment of the Health Commissioner, and those that followed him in reference to focusing the responsibility upon the Health Department and giving them the full jurisdiction. I know from experience, on account of the various departments that have now jurisdiction of the bakeshops, especially in tenement-houses, that the orders are issued so that in one department they are contradicted by the other or are not accepted by the other. We have had a lot of trouble in reference to that law. The Labor Department would issue one order in bakeries and the Tenement-House Department would come around and issue another order.

MR. ELKUS: Can you give me any specific instance of that being done?

DR. KORN: Yes, sir. One case that I remember quite well, I think it was Madison avenue and 115th street in a cellar where the Tenement-House Department required a certain kind — some plastering to be done.

MR. ELKUS: Some plastering?

DR. KORN: Yes. And where the plastering was done and when the inspector from the Labor Department came along he issued another order, and said it was not done in accordance with the rules and regulations of the Labor Department. And there was a conflict between the Labor Department and the Tenement-House Department. I know of dozens of cases, but I cannot at the spur of the moment locate where they are.

MR. ELKUS: Could you send me a list of those cases?

DR. KORN: I might be able to do that. It would be very hard for me to go to all our locals comprising nearly 6,000 members. It is a very difficult task. But I think the Labor Department would be able to give it to you quicker than I, because they must have a record where they issue these orders on cellar bakeries, and I could get the same orders from the Tenement-House Department, and that would be an easier task than it would be for me —

MR. ELKUS: Well, the Tenement-House Department has nothing to do with the sanitary condition of bakeries.

DR. KORN: Not the sanitary, they have to do with the structural conditions.

MR. ELKUS: But that is only fireproofing and things of that sort?

DR. KORN: No. They have to do with the general structural changes of the entire house. You see, as the Tenement-House Law now reads, they have charge of everything in that tenement-house, including bakeries and anything else, and while the Labor Department only has jurisdiction of the bakery part of it or that which they think is a factory, providing they are employing more than two employees, then they come under the factory law.

And as I say, bakeshops only in the city of New York, or in all cities of the first class should be under the jurisdiction of the Health Department, because I think the Health Department is in a better position to take care of bakeshops and establish the sanitary condition of bakeshops, than the Labor Department is, and there is no use of creating a new branch of State government as an expense to the citizens to do it when you already have got a department that is quite able to take care of those bakeshops, probably better than the new department would.

MR. ELKUS: Well, the Labor Department is already in existence?

DR. KORN: I know, but you are going to create a new branch in the Labor Department, the medical end of it.

MR. ELKUS: No, they have that now.

DR. KORN: They certainly are not in the same position as the Health Department is in to take care of these matters. Now, in reference to cellar bakeshops. I think that a law should not affect cellar bakeshops in existence. They do not. But hereafter —

MR. ELKUS: The law does not affect —

DR. KORN: (Interrupting) I say they do not, but cellar bakeries hereafter. I think that the more expense that you put on the manufacturer of the necessities of life, you surely will put it upon the consumer. And every time you cause an increase in the production of any necessity of life, you are going to put it on the consumer, and you are going to go on record and establish an increase in the cost of the bread product of this State. I do not think you are — there is not a manufacturer of bread anywhere, if it is a trust or an individual, that if you put any burdens upon him on account of manufacturing his product you won't soak it onto the consumer. There is no sensible man, I or anybody on this Commission, would do otherwise.

Assemblyman PHILLIPS: Does it cost more to bake bread in the bakeries that are now working overground than it does in the cellar bakeries?

Dr. KORN: I think it does; the rentals are higher.

Assemblyman PHILLIPS: They would have to raise their price of bread then if the cellar bakeries were shut up?

Dr. KORN: They would have to sell their bread in competition with the other fellow.

Assemblyman PHILLIPS: Well, they do now, do they not?

Dr. KORN: I do not think they are making any money, and I think they are trying now to form a trust, and I have my opinion of my own that they may be back of this entire bakeshop movement.

Mr. ELKUS: Well, do you know anybody who is in this trust who is behind it? I would like to see him. Where is he?

Dr. KORN: Where is he?

Mr. ELKUS: Will you tell me the names?

Dr. KORN: Well, probably the master bakers may know more about it than I do.

Mr. ELKUS: You have made a statement.

Dr. KORN: I said that was my private opinion.

Mr. ELKUS: Let me see what you have got to base your private opinion on. Who do you know that is interested in this legislation in any way?

Dr. KORN: That I know personally, do you mean?

Mr. ELKUS: Yes.

Dr. KORN: Nobody.

Mr. ELKUS: Tell me the name of any person, firm or corporation of any kind that you know who is interested in this matter.

Dr. KORN: Well, last year when I was up in the Legislature, when certain bills, more stringent than these, were about to be passed, I saw some individuals up there that gave me the suspicion connected with the law of bake shops.

Mr. ELKUS: Who were they?

Dr. KORN: With the Ward Baking Company.

Mr. ELKUS: Who were they?

Dr. KORN: I do not know. They were pointed out to me by people up there.

Mr. ELKUS: Where are they located?

Dr. KORN: The Ward Company?

Mr. ELKUS: Yes.

Dr. KORN: I think they are located in the Bronx.

Mr. ELKUS: Is that the trust?

Dr. KORN: Well, that is one of them.

Assemblyman SMITH: Who pointed them out to you?

Dr. KORN: I forget the individual who pointed them out to me; I can't remember. In an offhand way he pointed them out.

Mr. ELKUS: And who else was there? The Ward Baking Company of the Bronx it was?

Dr. KORN: And somebody pointed out some representative from Fleischmann's.

Mr. ELKUS: Fleischmann's; where are they located?

Dr. KORN: They were located downtown somewhere.

Mr. ELKUS: Didn't they have a cellar bakery?

Dr. KORN: No, they have no cellar bakery.

Mr. ELKUS: Now, those are the two concerns that somebody pointed out to you in Albany a year ago; is that right?

Dr. KORN: That is right.

Mr. ELKUS: And on that you base your statement that you believe the trusts are being —

Dr. KORN: (Interrupting) No, that is a private opinion of my own.

Mr. ELKUS: A private opinion?

Dr. KORN: Yes.

Mr. ELKUS: You didn't make that as a public statement?

Dr. KORN: No; I did not.

Mr. ELKUS: You withdraw that as a public statement?

Dr. KORN: I said so at the start, it was a private opinion of my own. I stated that.

Mr. ELKUS: There is nothing behind it. Is there anything else, Doctor, that you care to say?

Dr. KORN: Just in reference to the now existing bake shops. Now, in reference to cellar bakeries, I think the cellar bakeries can be conducted just as sanitary and just as clean as any other bake shops in the city of New York, and I can take this Commission to a number of them that are just as sanitary as any bake shop in the city of New York. I do not think the item of light has anything at all to do with the sanitation of the bake shops, that you can keep the bake shop just as sanitary with artificial light as you can with any light, and you know just as well as I do, that there are a number of factories now that are being conducted above the cellar, above the ground floor, that have been kept sanitary and clean with artificial light because they are employed during the entire day and the only cleaning they can do is at night by artificial light, and they are certainly well kept and sanitary.

Mr. ELKUS: Well, your point is this: That you think exclusive jurisdiction should be given to the Board of Health, and then you object to cellar bakeries being prohibited in the future. And how about all the other provisions?

Dr. KORN: The sanitary provision in reference to the medical examination of bakers. If that can be properly done, without any inconvenience to the employer, without any —

Mr. ELKUS: (Interrupting) You mean without taking away his working time — taking up his working time?

Dr. KORN: Not only his working time, but not degrading the men in any manner, shape or form, without causing them any

domestic trouble of any kind, I think that ought to be done, and I think the bakers should be just as sanitary as anybody else. And so far as the various diseases that you have mentioned in here are concerned, they have been gone over so fully by the Health Commissioner of New York in which I thoroughly agree—

Commissioner DREIER: (Interrupting) Will you explain why it is that so many cellar bakeries have been dirty and filthy up until very recently, if they can be kept clean?

Dr. KORN: The bakeries that I have seen, and I have seen quite a number of them, I would not consider very dirty. I can understand that an inspector might go in while they are doing some peeling, the bakers, or having some peeling done that they need in a hurry that they use in their products, and that the floor might be a little unsanitary at the spur of the moment, but I have not seen so far as I have gone, and I have seen a number of bakeries, any that have been so unsanitary. They can be kept sanitary, and if they are not kept sanitary it is due to the uncleanliness or the ignorance of the man that is keeping and conducting the bake shop.

Mr. ELKUS: Well, isn't a cellar liable to be a dirtier place than the place that is above the ground?

Dr. KORN: No. I have seen bakers on the ground just as dirty as below the ground.

Mr. ELKUS: Well, do you mean the bakers -- the bakeries or the men?

Dr. KORN: I withdraw that; I mean the bakeries.

Mr. ELKUS: What is your view about the licensing of bakeries?

Dr. KORN: I do not think that the licensing would materially alter the conditions. It would put the baker certainly to the annoyance of running for the license. If this comes under the jurisdiction of the Health Department I think that would cover it.

Mr. ELKUS: Do you think, Dr. Korn, that existing conditions are such as to be entirely satisfactory?

Dr. KORN: No. I do not say that. I say there might be some bakeries that are not kept in sanitary condition. I have not seen all of them. But the ones I have seen have been very sanitary.

Mr. ELKUS: Which ones have you seen?

Dr. KORN: I have seen them on Madison avenue, on 125th street, on 3rd avenue, downtown.

Mr. ELKUS: Have you gone down in the cellars?

Dr. KORN: Yes, sir, I have gone down and seen that. I have seen them downtown. I have seen all of Horton's bakeries.

Mr. ELKUS: That is a trust, isn't it?

Dr. KORN: Not that I know of. He only bakes pastry. He don't bake bread.

Mr. ELKUS: Only pastry. He would be a pie trust?

Dr. KORN: He does not even bake pies; he only bakes the fancy goods that goes along with the ice cream for their trade.

Mr. MAX STRASSER: I would like to ask the Doctor why he wishes to eliminate the Labor Department and the Factory Department from the jurisdiction of the bakery?

Dr. KORN: Because I think that if the Health Department has jurisdiction and provides said rules and regulations and has hearings attached to those rules and regulations before they are enacted, I think that the bakers and the bake shops would be kept in just as good condition as the State Factory Inspectors could keep them and that would be very efficient for the bakeries of the city of New York.

Mr. STRASSER: Why?

Dr. KORN: Because, if there should be any trouble in your bake shop for instance, and you have some trouble, you could easily reach the Department of Health, and you could not so easily reach the Factory Inspector.

Mr. STRASSER: But we do not want any violations, that is why we want this law?

Dr. KORN: I understand, but you might have violations.

Mr. STRASSER: Will you eliminate the Labor Department entirely with that provision now in that bill?

Dr. KORN: Absolutely.

Mr. STRASSER: You would eliminate the hours of labor and employment of children, too?

Dr. KORN: Could not do that.

Mr. STRASSER: That is not in the provision of the bill?

Dr. KORN: If you put all the factories of all bake shops under the jurisdiction of the Health Department I suppose the gentlemen will be able to prepare a bill —

Mr. STRASSER: Well, it is not in there.

Dr. KORN: They are not talking about this bill. This is merely a suggestion.

Mr. STRASSER: Could you make any suggestion about the employment of children and the hours of labor?

Dr. KORN: Well, I think you could take your laws that now apply to the factories.

Mr. ELKUS: You would have to leave with the State Department I think, the employment of minors?

Dr. KORN: Well, could not you also have enacted a law which also would cover that the same as the health department has now the right or jurisdiction over minors before they can get their working papers in New York?

Mr. ELKUS: They have no jurisdiction. The Health Department issues the certificate entitling them to go to work, and on that certificate the Labor Department permits them to go to work.

Dr. KORN: That is the jurisdiction of the Labor Department, but they could not let them go to work, could they, without that certificate, so they have a certain jurisdiction now over children.

Mr. STRASSER: Would the Labor Department with a certain number of inspectors be able to obtain the same condition as the Health Department could?

Dr. KORN: They might.

Mr. STRASSER: Why couldn't they.

Dr. KORN: They might.

Mr. STRASSER: Well, hasn't the Commissioner of Labor stated that he could enforce clean conditions in bakeries provided he would have inspectors enough?

Dr. KORN: Not that I know of.

Mr. STRASSER: Well, he stated in his report to the Legislature in 1912—

Mr. ELKUS: That is not the question now.

Dr. KORN: I have not read his report.

Mr. ELKUS: Mr. Strasser, will you state what your position is or your representation?

Mr. STRASSER: I represent the New York State Association of Master Bakers.

Mr. ELKUS: Do you want to make any statement, Mr. Strasser?

Mr. STRASSER: Not just now.

Mr. ELKUS: Is Mr. William Thompson here?

(No response.)

Is Mr. John Steadman here?

(No response.)

Mr. PHILIP MODRY, Secretary of the New York State Assn. of Master Bakers, then addressed the Commission as follows:

The CHAIRMAN: Is that the same association, Mr. Modry, of which Mr. Plarre is president?

Mr. MODRY: Yes, sir.

Mr. ELKUS: Do you wish to make any statement?

Mr. MODRY: I have not got any statement to make in regards to the bill as it stands here. All I have to say is that I believe that if the power would be given for additional inspectors to the Labor Department, that they could fully accomplish the work of getting the bakeries in a clean and sanitary condition. I would also state so far as the license is concerned, that that is not an absolute necessity because the license, if a bakery is not in a good condition, would in itself be no good any more because the authorities could at once close it up. So far as medical examination of the bakers is concerned, I think any physician, if he is entitled from the Department, or from the medical department to go into the houses and pass his knowledge on a child's sickness, whatever it might be, ought to be able to pass on anything, whether it is a worker in a bake shop or not, and I think any ordinary physician who has a certificate that he is such, should be able to issue a permit.

Mrs. JULIAN HEATH, then addressed the Commission as follows:

Mr. ELKUS: You represent the Housewives League?

Mrs. HEATH: Yes.

Mr. ELKUS: You are the president of it?

Mrs. HEATH: The national president, yes.

Mr. ELKUS: Is that a national association?

Mrs. HEATH: It is.

Mr. ELKUS: How many members have you in your association?

Mrs. HEATH: Probably 400 women throughout the country.

Mr. ELKUS: We will be very glad to hear you.

Mrs. HEATH: I want to first compliment the commission as to the bill. As I read the bill over I thought that it was exactly what the consumer wanted. Of course, I speak entirely from the housewives' point of view, and I want to say before I make my

point that the housewives believe that they have a right to have just as drastic measures passed as possible, upon every such industries, bakeries, laundries and everything, so what I say is merely from the housewives' point of view. In regard to licensing, I believe every home industry should be licensed. I think it is much easier to prevent a thing than to cure it, and when there is merely a permit to have them established, it is difficult then to control conditions. I believe also that—not only I believe but I know that the housewives are going to demand that every one who handles their bread and bakes their cakes and pastries, has a clean bill of health. Every good housewife at this time, at this age, insists that her cook in her kitchen has a clean bill of health, and there is no reason why that bill of health should not also be required of somebody else who may handle the commercial bread and pastry and so forth and so on. I believe that is emphatic, and it is exactly not only what we believe but what we will demand, and I believe the committee will see it worked out.

In regard to the cellar bakeries, I have investigated a number of them and I have never yet seen one that was sanitary.

MR. ELKUS: How many have you investigated?

MRS. HEATH: Probably, in the course of the last two years,—well, I may say 50 in round numbers, but I am not an official investigator. In thinking these things over I have always tried to think in my mind what would be a sanitary cellar bakery, and it could only be a perfectly ideal one with the electric light so bright that no harm could come. I have seen the so-called sanitary floors, where they were simply cement, and where I think every time that floor was swept enough of the particles of the cement were swept up to be dangerous to the health. I do not call those sanitary.

Now, I have just given you in a general outline what I think the general housewives and consumers are demanding and if you would like, you can ask me any specific question.

MR. ELKUS: Now, do you object to any of these gentlemen asking questions if they want to?

MRS. HEATH: Not at all.

Mr. WILLIAM STEPHANY, baker, 2624 Eighth avenue: I would like to ask if the lady has been in some of the bakeries known as a monopoly or trust bakeries where all the bakers, of course, bake at night in order to have fresh bread in the morning. I would ask what kind of light they have to get if they do not use artificial light?

Mrs. HEATH: I was speaking of light. I have seen places so dim with light, that you could not hardly call it artificial light. That is what I mean. It was so dull, it was very little light at all. I mean if it is to be clean there must be light that will search every corner of that place. That is what the housewife in the kitchen would want. You see, these are commercial kitchens, and the housewives speak from that viewpoint.

Mr. STEPHANY: I also heard you make the remark about the dust from the cement. Will not the dust from the street be more apt to fly into an overground bakery than into an underground bakery?

Mrs. HEATH: No, no; quite the contrary. That is what some of you might claim. But I have seen that. I have seen the cellar bakery and seen persons deliberately sweeping the dust into the cellar bakery through the grating.

Mr. HILL: That condition need not necessarily be a fact, need it?

Mrs. HEATH: I think the truth is, if the cellar bakery is there, it is easier to sweep it from the sidewalk down there than otherwise.

Mr. HILL: Well, that is not necessary.

Mrs. HEATH: You would have to have a street cleaning man right there to prevent that.

Mr. WILLIAM F. HAIGHT: What would be the condition in regard to sanitary bake shops, what would you consider a sanitary bake shop?

Mrs. HEATH: I think that is too broad a question, because it would have to be more specific I think, in order to answer it. I

think, in regard to this, that this bill should not only cover the manufacture of the product, but also the sale of it. I think the greatest danger is not in the manufacture, but the way the goods are exposed on the counters where everyone handles them.

Mr. HAIGHT: You have not answered my question.

Mrs. HEATH: Because it would take a long time to write out what I consider a sanitary bake shop.

Mr. HAIGHT: And you spoke of the dust being swept from the street into the bakery?

Mrs. HEATH: Yes, sir.

Mr. HAIGHT: If the sidewalk were swept, and the bakery were situated on the ground floor, on the second floor instead of the cellar, wouldn't that dust rise and go into that more than into the cellar?

Mrs. HEATH: No. I am speaking of the dust being deliberately swept into the cellar.

Mr. ELKUS: You mean the sweepings in the cellar, the dust in the cellar, or the dust in the street?

Mrs. HEATH: Sweepings from the gratings, from the street right through the gratings.

Mr. HAIGHT: Then you make the statement the bakeries have the gratings in front so the dust can be swept down into the bakeries?

Assemblyman SMITH: We will have to withdraw the privilege of examining our witnesses if they are going into such a cross-examination. There was nothing like that said by the lady at all.

Miss KEYSER, of the Church Association for the Advancement of the Interests of Labor: I would like to ask Mrs. Heath if she considers plastering the ceilings and walls sufficient in bakeries?

Mrs. HEATH: Plastering?

Miss KEYSER: I see this bill provides for plastering. Would ordinary plaster be sufficient for that?

Mrs. HEATH: No, I do not, unless it is painted over or enameled, because the plaster comes off the same as anything else. I also believe, in line with Miss Keyser's point, that the recommendations there about the walls should extend to the sales room where we have the sales room with paper on the walls, which, of course, we know, is most unsanitary.

Mr. ELKUS: Very much obliged to you, Mrs. Heath.

Is any representative of Bakers' Union No. 261 here, or any bakers' union?

(No response.)

Mr. ELKUS: I wish to say we invited the Bakers' Union to send a representative, and we sent that invitation in writing to every local in Greater New York.

Miss MAY A. PARKER, then addressed the Commission as follows:

Mr. ELKUS: You are connected with the Consumers' League?

Miss PARKER: I am chairman of the food committee.

Mr. ELKUS: And you want to speak with reference to the bakery bill?

Miss PARKER: I would like to make one or two suggestions.

Mr. ELKUS: Yes.

Miss PARKER: May I ask a question? In section 112 where it says the bakeries shall be provided with proper and adequate windows and if deemed necessary ventilation. Does that say that the present bakeries that have no windows will be forced to put them in?

Mr. ELKUS: What page is that?

Miss PARKER: That is page 2, line 23.

Mr. ELKUS: Yes. You mean if they haven't got any now?

Miss PARKER: Yes. We made an investigation. I did not make it myself personally, but we had an investigator whom we

could not get here to-day because she is working up-State for your Commission, and of the bakeries that she investigated about one-third were without windows, according to her report. And that means the bakery that only comes a foot, perhaps a foot or two above the surrounding sidewalk or alleyway is to have a window. The Consumers' League doubts the efficacy of that window, as the courts have been found very frequently, very full of rubbish, and unless they were kept cleaned out the window would be on a line directly with all that rubbish.

The second point I would like to bring out is that we are very glad to see a provision in the bill that windows and other openings shall be provided with screens. In view of all the fly campaigns that is a thing that we feel is very excellent.

Assemblyman SMITH: Where is that? What page is that.

Miss PARKER: That is page 4, line 15. The League also approves of the examination of bakers and feels that the details are much better worked out by others.

The question of the control, as to the Board of Health and the Department of Labor. We feel that one department should be responsible. But we also feel that the Department of Labor and the Department of Health can better settle that than we can.

Mr. ELKUS: Well, the Legislature will have to settle it.

Miss PARKER: Well, Dr. Lederle has spoken here and other ladies.

Mr. ELKUS: What is your view of it?

Miss PARKER: We simply wish to have one department be responsible.

Mr. ELKUS: You do not care which?

Miss PARKER: We don't feel that we have sufficient knowledge of the whole subject to say.

We are very glad to have the abolition of future cellar bakeries. We found conditions improved since 1910 in our investigation, and we found a very great deal to be desired, and that this seems to be the best way to get after cleaner bakeries and entail

the least hardship possible. As for raising the price of bread, none of the large bakers yet have raised the price of bread so far as we know, although they are in competition. I mean the above ground bakeries, although they are in competition with the cellar bakeries.

I would like to ask one other question. When it says there must be a forced means of ventilation, does that mean that that forced means of ventilation must go on all the time, whether the bread is raising or not?

Mr. ELKUS: Well, it would be impossible to have it while the bread is raising. That would be provided in the Sanitary Code.

Miss PARKER: Well, we were just curious from the wording of the bill. We wish simply to make the correction.

Mr. ELKUS: Is that all?

Miss PARKER: That is all. Thank you.

Commissioner DREIER: The Woman's League has made a number of investigations over a period of years, have you not?

Miss PARKER: We made the first investigation in 1910, and last summer we investigated 100 bakeries.

Commissioner DREIER: And did you between 1910 and 1911 make investigations?

Miss PARKER: No regular investigations, but we investigated from time to time to be apprised of the conditions.

Commissioner DREIER: Did you find generally the condition to be improved in this last investigation?

Miss PARKER: We found a vast improvement.

Commissioner DREIER: But still not enough improvement to warrant the cellar bakeries, in your opinion?

Miss PARKER: No, not in our opinion.

HAROLD M. PHILLIPS, on the board of counsel of the United States Real Estate Owners Association, the same association of which Dr. Korn is president, then addressed the Commission as follows:

MR. PHILLIPS: Concerning that trust question, I want to say that I personally do not fear any immediate consequences, but I have very little doubt, and the student of economics knows that the first thing necessary for the large owners, for the big people in any industry, is to eliminate the little man, and having once eliminated the little man he will just go ahead and take advantage of such superiority as he may have in order to reimburse himself for such losses as he has had in the process of eliminating the little man. And if by means of this bill —

MR. ELKUS: (Interrupting) We are not going to listen to talk like that, we are not eliminating anybody. We are legislating to protect everybody and principally the public. Just disabuse your mind about that subject.

MR. PHILLIPS: I want to make clear, if there is any question at all in anybody's mind about this Commission, the present feeling is calculated very much to increase the cleanliness and sanitation of bakeries and the general welfare in that line. But I may point out the danger that may result from the best intended motives, and if I can point out this bill will make it difficult for the poor baker to continue to exist, thereby making it easier for the large baker to combine with his larger brother and increase the price of bread or lower the size of the loaf, why, that is a very strong point in opposition to this bill, because the very people you are going to aid — the poor have got to be taken into consideration.

MR. ELKUS: The thing to be taken into consideration is whether or not we can have bread baked in a sanitary way.

MR. PHILLIPS: In a cellar.

MR. ELKUS: The main condition is how we can have bread baked in a sanitary way.

Mr. PHILLIPS: Yes, sir.

Mr. ELKUS: That is the real question.

Mr. PHILLIPS: That is the real question. And we claim that the vast majority of bakeries now in existence can be so operated as to produce bread of a clean, sanitary character, that the necessity should be urged against the proper department, probably the Health Department, to increase their efficiency and force, so that it may go into these bakeries, if they are not up to the standard, and see to it that the employees are cleanly and properly kept; that the floors and walls are in good condition, that a certain amount of air, sufficient for the working man, be maintained so that they be kept clean and healthy. If that can be done, I say, with very little expense, the bakeries as at present constituted, can be made perfectly sanitary, and there is no need for a very drastic revolutionary measure.

Mr. ELKUS: Just a moment; there are certain bakeries that now ought not to exist, are there not?

Mr. PHILLIPS: I will say that there are certain bakeries existing now that should be changed.

Mr. ELKUS: And they are not sanitary as they now exist?

Mr. PHILLIPS: Well, some homes are not sanitary, also.

Mr. ELKUS: You are a lawyer, and you know enough to answer a question.

Mr. PHILLIPS: I would not say the bakeries are not unsanitary. I will say they are kept unsanitary. I want that distinction made.

Mr. ELKUS: And that something should be done to provide a more thorough inspection of bakeries by some department?

Mr. PHILLIPS: Yes, by some department.

Mr. ELKUS: Whether it is a State department or a city department is a question that is debatable?

Mr. PHILLIPS: That is a debatable question.

Mr. ELKUS: Then you object to the prohibition against cellar bakeries in the future?

Mr. PHILLIPS: Mr. Chairman, I will take the various provisions of the bill and go through them briefly.

Mr. ELKUS: We want to go along, so do not make a speech about each one, if you do not object.

Mr. PHILLIPS: On page 2, section 112, all bakeries shall be provided with proper and adequate windows, etc. We do not object to windows, but we do object to such uncertain language as "proper and adequate."

Mr. ELKUS: How would you put it?

Mr. PHILLIPS: I would say that this Commission in studying the problem should say what size window, in conformity with the cubic space of the bakery, would be desirable so that the real estate owners and owners of bakeries will not be subjected to the whim of any particular department or any particular people. That is what we object to.

Now, this other, the taking out on page 3 of the word beginning "Except that any basement or cellar less than 8 feet in height which was used for a bakery on the 2nd day of May, 1895, need not be altered in respect to this provision with respect to height." Now, it might be, and of course no doubt is, that a bakery or any other place of business that has a high ceiling is preferable to one with a low ceiling, but we must insist upon our property, that no legislation be passed which is *ex post facto* in character.

A man since 1895 may have maintained a bakery which may be less than 8 feet high. If you eliminate that you will wipe out bakeries that have been in existence even before 1895 and which are less than 8 feet in height. Under the prohibition they would have to discontinue.

Mr. ELKUS: Well, do you think a bakery, because it was in in existence for twenty-seven years, should have a prescriptive right to go on in the use, no matter how foul or bad it was?

Mr. PHILLIPS: I would not say that — so strong as that. How vile or bad is a matter of regulation by the Department.

Mr. ELKUS: I am asking a question now.

Mr. PHILLIPS: The answer to that is no. That would not be what I said. What I said was if the bakery was in existence since 1895, though then less than eight feet in height, it should be left alone.

Mr. ELKUS: But because it was twenty-seven years old, you would undertake to say as a right that it could go on by prescriptive right forever?

Mr. PHILLIPS: I do not mean to say that. I know the courts have long since held under the police power they can make such regulations as they see fit, and they have done so in the tenement-house cases.

Mr. ELKUS: That is what they claimed as to tenement-houses.

Mr. PHILLIPS: It is a fact though, that a man having a building in which a bakery was in existence — gets a certain amount of rent by reason of the bakery, and he loses a certain value should you take it away from him. We are not living yet under a system by which such a thing can be done.

Mr. ELKUS: Isn't the same thing done in reference to tenement-houses?

Mr. PHILLIPS: But we were not awake at that time, and since then we are trying to avoid the —

Mr. ELKUS: Didn't the property owners go to the Court of Appeals, and the Court of Appeals held against them?

Mr. PHILLIPS: They say of course, they held under the police power it can be done.

Mr. ELKUS: I thought you were arguing it was illegal?

Mr. PHILLIPS: No, I did not say it was illegal. No. Section 113-a, prohibiting the employment of diseased bakers. I think that is the present rule, and I think that the Commissioner of Health has charge of that, and he can prohibit it.

Mr. ELKUS: You agree with that?

Mr. PHILLIPS: Yes, absolutely.

On page 7, there is — you refer to a license. Now, we are opposed to licenses. We think that if you have a certificate saying that the bakery is sanitary, that ought to be sufficient. But we do say that if you do pass that measure or recommend that licenses should be absolutely necessary, you must also provide for a method of appeal in case a license is not allowed. I looked over the bill carefully and I have found no way by which the owner of a bakery, if he is refused a license either through prejudice or some injustice, has redress, if I am right about it, from reading the bill from that point. I think that point should be taken into consideration.

Mr. ELKUS: Is there anything further?

Mr. PHILLIPS: In a general way, I would say that we are in favor of any kind of legislation which increases sanitation and health.

Mr. ELKUS: You are in favor of the principle of this bill?

Mr. PHILLIPS: We are in favor of the principle of the bill, we would ask even that it should be extended to every other kind of industry, like butchers, and almost any number of industries of the same kind.

Mr. ELKUS: I think you are right about that.

Mr. PHILLIPS: But in all cases, we should be very careful about structural changes, because they affect the owner of the property in such a way that he can never reimburse himself, and it is through no fault of his own if the various city departments have allowed conditions to exist which are now objectionable, and he should not be deprived of his property.

Mr. FRANK P. HILL, representing the New York Retail Bakers' Association, then addressed the Commission as follows:

Mr. ELKUS: Do you represent the New York State Retail Bakers' Association?

Mr. HILL: No, sir. I represent the New York Retail Bakers' Association, not the State Association.

Mr. ELKUS: That is a city association?

Mr. HILL: Yes, sir.

Mr. ELKUS: You appeared before the Commission before, if I remember it?

Mr. HILL: I had an opportunity to say just one or two words.

Mr. ELKUS: We will be very glad to hear you at length.

Mr. HILL: Mr. Chairman, and counsel, I feel that the question being considered here is one of very great importance, not only to those of us who happen to be affected as bakers, but it is important to the public, to the consumer, and I therefore wish to ask that I be allowed to read something which I wish to present. I wish to cover the subject as fully as possible, and have therefore written what I wish to say.

The regulation or supervision of the baking and distribution of bakery products constitutes a subject demanding the careful consideration of this Commission, of the Legislature, of the public and of those engaged in the industry. We may admit that conditions in many bakeries are not all that could be desired. That the bad conditions described in the report of Dr. Price exist in a majority of the bakeries in this city, we do not believe. Dr. Price refers to an investigation by the State Factory Commissioner, some years ago, of 1,085 bakeries throughout the State, of which 623 were found unhealthful. This would indicate that about 40 per cent. were good and 60 per cent. bad. Undoubtedly sanitary conditions in bakeries have improved greatly during the past ten or fifteen years. The tendency toward the use of machinery and better methods in retail bakeries during these years has been marked. Granting, however, that conditions in many cases are bad, such facts do not constitute an indictment of the baking business, but rather of the department charged with the inspection of bakeries. There is law enough on the statute books now to clean up or close up every unsanitary bakery in the State. The need is for honest, impartial enforcement of the law we now have.

It is the duty of the State to protect legitimate business, as well as to prevent abuses which endanger the health of the public and those employed in any business.

In considering this subject, two things should be kept clearly in mind:

First — The protection of the public by insuring the manufacture and sale of clean and wholesome baking goods.

Second.— The protection of the individual in his right to engage in a lawful business.

For the protection of the public, the New York Retail Bakers Association is prepared to go as far as any in the demand for cleanliness in bakeries and for adequate inspection. The dirty bakery is a detriment to the entire trade. The proposal for medical inspection of the baker has our unqualified endorsement.

I would like to say in regard to that, that we approve of the provision in regard to the medical inspection of workers in bakeries. The question has been raised here by the Commissioner of Health, I think, and the Sanitary Superintendent, that an inspection of an average physician would be of no value. Well, I would suggest to overcome that, that every baker be required to furnish a certificate from his own physician as to his healthfulness, and that the Sanitary Inspector or Medical Inspector of the Board of Health should be permitted to demand that any man he might think not fit to be employed in the trade, should also submit to an examination by the Health Department.

MR. ELKUS: Do you mind my asking a question?

MR. HILL: I will be very glad to have you do so.

MR. ELKUS: Would that be of any use? You see, I understand what Dr. Lederle and Dr. Bensel have in mind, is this: That sometimes through lack of experience a physician would give a certificate to a man, through no particular reason, which is not a correct statement of his condition. Well, there is no way of the medical inspector becoming suspicious of that man's condition, and he will either have to take the certificate or leave it, and you have to either make one law or the other law. You have to take the certificate or compel him to be examined by another physician.

Mr. HILL: I remember when I was before your Commission a year ago that you asked my opinion on the question of medical inspection. I believe I stated that I had no objection to it at that time, but that I did not see why a man who might be afflicted with rheumatism or some other such disease as that should be unfit to do work in a bakery. When the question was raised as to what I thought in regard to a man who might be afflicted with a skin disease the reply was that of course the man who had the skin disease should not work in a bakery. Now, my point is that a worker might have a certificate from his own physician as to his general health, and it is for the Health Department, if the Department comes in and notices by this man's general appearance that he has a skin disease, that is something that can be seen at a glance. If by the appearance of the man, or some other reason, it was thought justified that there be a further examination, then I think the inspector should have the right to insist upon a more careful examination.

Assemblyman PHILLIPS: And that is a wide latitude.

Mr. ELKUS: The Health Department could insist.

Mr. HILL: But if a man wants to get in a new set of bakers in his shop on short notice, if he is compelled to get bakers in the shop, he should not be compelled in every case to wait until those bakers can be inspected by the official inspector.

Mr. ELKUS: There is nothing in the bill that provides that now.

Mr. HILL: That is the idea, I thought.

Mr. ELKUS: You mean it was Dr. Bensel's idea?

Mr. HILL: I thought so.

(Reading) Every bakery, or place where bakery products are sold, except crackers, sold in original packages, should be inspected by the Board of Health, and a Sanitary Certificate issued to all complying with reasonable sanitary requirements and only those places obtaining a sanitary certificate should be allowed to handle bakery products. The bakery business might well be placed under regulations similar to those applying in the milk business.

Under recent regulation of the Board of Health, the permit system has been extended to apply even to restaurants and lunch rooms selling milk by the glass. The inspection of bakeries and places selling bakery products may well be placed in the hands of the Board of Health in cities of the first class for the following reasons:

First.—The Board of Health should have jurisdiction over all places whether factories or mercantile establishments.

Mr. ELKUS: The Board of Health?

Mr. HILL: Yes, for these reasons. I think the bakeries should be entrusted to the Board of Health, because it would have jurisdiction not only of the factory where the stuff is made, but the mercantile establishments where the stuff is sold.

(Reading) Second.—Division of responsibility would be avoided.

Third.—The conflict between orders of different departments would be avoided.

The right of every man to engage in a legitimate business should be recognized, subject only to such inspection as will protect the public against abuses. We therefore favor a sanitary certificate rather than a license.

There has been considerable comment in regard to authority, and I can mention several cases which I can mention offhand where there has been conflict of authority between one department and another.

Mr. ELKUS: If you could get me those cases and send them to me?

Mr. HILL: I think this gentleman right here can give you one instance, can you not?

(The reply was in the affirmative.)

Mr. HILL: In my own experience I have never had a conflict between orders of different departments, but I have known of men who did.

(Reading) We favor the establishment of an advisory board, the membership of which should include a representative of the

baking industry, which board should establish and adopt rules for cleanliness and sanitation in bakeries, such rules to be adopted after a public hearing, at which all parties interested might be heard.

Mr. ELKUS: This bill provides for an advisory board.

Mr. HILL: Yes, and we endorse that.

Mr. ELKUS: You do endorse that?

Mr. HILL: Yes. We have endorsed it to the extent that it shall be within the Health Department instead of the Labor Department.

Mr. ELKUS: Well, that is one question raised by the bill.

Mr. HILL: I think in regard to the inspection of bakeries, I would like to say that I think there should be some method provided whereby an appeal might be taken from an opinion of some individual inspector.

Now, the inspectors go to inspect a bakery, and they are very often men having no practical knowledge, and they are men that can be secured for the salary the position pays. And very often you can't secure a man of sufficient ability for the salary which they pay, to warrant the people in giving that man absolute authority, arbitrary authority and they go out sometimes and exercise or pretend to exercise authority which they really do not have. They very often go out and well, they execute a little bluff.

Mr. ELKUS: Well, of course, you always have the right to appeal to the courts.

Mr. HILL: I suppose we have.

Mr. ELKUS: You have now.

Mr. HILL: But I think if that provision were made definitely providing for the review it would be better.

Mr. ELKUS: It is not necessary.

Mr. HILL: It is not necessary, no; but I notice in this little pamphlet that was sent out, in looking over the regulations adopted

in the State of Rhode Island, there is specific provision there for an appeal, and I think it would do no harm to add that. We have the right to appeal anyway, and there is no harm in putting it in there.

(Reading.) The proposal to prohibit the future establishment of bakeries in cellars we believe to be unwise and detrimental to the public welfare, especially in this city, where property and rents are very costly. Such proposal can be justified only upon the ground that it is impossible so to construct such bakeries as to make them a sanitary place for food manufacture.

Mr. ELKUS: That is the future cellar bakeries. That is the question that has been of great trouble?

Mr. HILL: Yes.

Mr. ELKUS: In the future?

Mr. HILL: Yes.

Mr. ELKUS: Of course, nobody wants to interfere with it at the present. They would not have power to do so. You have taken such a clear view, and apparently given so much study to the question, I would like to get your view upon that, whether it would not be possible to provide for the building of a bakery which was partly underground, but which was so much more above ground that there would be plenty of natural light and air in it without having the forced draft or forced ventilation.

Mr. HILL: Well, as I understand the proposal which has been made for the elimination of future cellar bakeries, there would be no such opportunity.

Mr. ELKUS: Why yes. Don't you see how a cellar is now defined.

Mr. HILL: I understand what the definition of cellar is.

Mr. ELKUS: If you are more than half above ground it would not be a cellar. If you had a basement for instance.

Mr. HILL: I think there are many instances in this city where the cellar might be absolutely under the grade level, and

it would be so possible there to construct that cellar there and light and ventilate and heat that cellar, that it would not be surpassed by any store above.

Mr. ELKUS: Would that be true in tenement houses?

Mr. HILL: Not in tenement houses. Well, that bill makes no distinction between tenement houses and any others.

Mr. ELKUS: We are trying to come to a point where we will agree. Would you be in favor of saying that no cellar bakery shall exist in tenement houses hereafter?

Mr. HILL: Personally I would be in favor of saying no bakeries should be established in cellars unless the construction of such bakeries and plans for such bakeries should be approved by a competent department, the Health Department, if you please.

Mr. ELKUS: What is your opinion, Mr. Hill, on the question of having the cellar bakery as defined by law in a tenement house?

Mr. HILL: I think it is quite possible to have a good clean cellar bakery, a sanitary bakery, in a tenement house. There may be tenement houses where it cannot be done, but there may be others where it can be done.

Mr. ELKUS: But you would make a provision that if they wanted to build a cellar bakery they would have to take the plans to some department which would be authorized, and they would have the veto power?

Mr. HILL: Yes. But the provision might be made that any future cellar bakeries must be ten feet in height. That would give good ventilation.

In regard to cellar bakeries, I was trying to say that such a proposal, that is the proposal to prohibit the cellar bakery, would only be justified upon the ground that it is impossible to construct such bakeries as to make them sanitary places for food manufacture.

Now, to prohibit these bakeries. I think that you must demonstrate that it would not be a sanitary place to manufacture food, otherwise it would not be justified.

Assemblyman PHILLIPS: You know they have been prohibited in other cities and countries?

Mr. HILL: Yes, and I think it is a mistake, as I expect to show later in my paper why I think it is a mistake.

(Reading.) Dr. Price mentions eighteen evils which he thinks are due to location of bakeries in cellars. Among these eighteen evils there are none which of necessity, must obtain in cellars and there are none which might not be found upon any floor of a building.

The evils mentioned by Dr. Price are not absolutely necessarily to be found in cellars. They may be found there; they may also be found in other floors of the building.

(Reading.) "In other words, conditions are due not so much to the location of the bakery as to the man who is managing it."

That is a point brought out by Dr. Lederle. He says the conditions in the cellars are due to the bakers themselves, the master bakers and the journeyman baker. I think it is up to the men running the place to keep it sanitary and clean.

(Reading.) "I wish to consider particularly some of the objections raised to the cellar bakery:

The peril from fire in bakeries is one most grossly exaggerated and the general impression that a bakery is specially liable to fire is not founded on facts. I submit for your consideration extracts from the reports of the New York Board of Fire Underwriters for the years 1898, 1900, 1902 and 1903."

As to those reports, I just wish to call your attention to them.

Mr. ELKUS: You will file these with us?

Mr. HILL: Yes, sir, I will, if you will give them your careful consideration. You will see that during these four years there were no fires in bakeries of any magnitude.

(A recess was then taken until 2 P. M.)

AFTER RECESS.

December 3, 1912, 2 P. M.

FRANK P. HILL, Esq., continuing: I was attempting to draw your attention to some statistics which were taken from the reports of the Board of Fire Patrol and the Board of Fire Underwriters of New York for the years 1898 1900, 1902 and 1903. Now, regarding these statistics I can vouch for their correctness. We went through this report and selected from the printed report of the Board of Fire Patrol the parts relating to fire alarms, given from a building in which a bakery was located.

Now, many of the alarms mentioned of the fires reported in these reports did not originate in the bakeries. I think probably not more than 50 per cent. of the fires originated in a bakery which are reported here. I will just give you —

Mr. ELKUS: (Interrupting.) Well, now, Mr. Hill, I do not want to cut you short, but I do not think there is any legislation here based upon the fact that fires are prevalent in bakeries.

Mr. HILL: The point is made in justification in Dr. Price's report in urging the prohibition of future cellar bakeries, when he makes the point that the bakery is a perilous place for a fire.

Now, I will just state that these statistics were gotten out with a view to contradict that impression something like ten years ago, when the matter of having a dumbwaiter in the bakery that was located in a tenement house was under consideration. We got these statistics out for the purpose of showing that the impression that the bakery was a dangerous place for a fire was not well founded, and perhaps it is sufficient for me to say in connection with this that if your commissioners will glance through this we believe that our contention will be borne out.

Mr. ELKUS: We will be very glad to give it very careful consideration.

Mr. HILL: I do not want to take your attention unnecessarily. These statistics were used in connection with that dumbwaiter matter, and I believe the correctness of them was conceded, and it was conceded that they were to the point.

(The statistics referred to were received in evidence and spread upon the record as follows):

"January 1, 1898, 75 Goerck street, 3 story building, J. Emer, false alarm.

January 8, 1898, location 364 Eighth avenue, four story brick building, occupant, F. Wurster, loss on building nothing, loss on contents nothing, chimney fire.

January 9, 1898, location, 1102 Third avenue, 4 story brick building, occupant, S. Wasserman, loss on building nothing, loss on contents nothing, lounge on fire on third floor.

January 14, 1898, location 203 Greenwich street, 6 story brick building, occupant, J. D. Gilmor, loss on building nothing, loss on contents nothing, chimney fire.

January 21, 1898, location, 2178 Second avenue, 4 story brick building, occupant Mrs. T. Disler, loss on building \$185, loss on contents \$71.54. Fire on first floor.

February 2, 1898, location 96 Monroe street, 5 story brick building, occupant, T. Ballic, loss on building nothing, loss on contents nothing, chimney fire.

February 14, 1898, location 420 Eleventh avenue, 4 story brick building, occupant, C. Stolz, loss on building nothing, loss on contents nothing. Pan of fat afire on range.

February 15, 1898, location 203 Greenwich street, occupant, J. D. Gilmore, loss on building nothing, loss on contents nothing. Chimney fire.

February 16, 1898, location 68 Amsterdam avenue, 5 story brown stone, occupant, Wm. T. Winters, loss on building nothing, loss on contents nothing. Rubbish on fire in cellar.

March 14, 1898, location 229 Avenue B, 5 story brick building, occupant, L. Wassmet, loss on building nothing, loss on contents \$7.50. Awning fire.

March 20, 1908, 1 story frame building, occupant, A. Hoffman, loss on building \$245, loss on contents nothing. Fire in basement and first floor.

March 20, 1898, location 202 Broome street, 5 story brick building, occupant Julius Ziegler, loss on building \$75, loss on contents \$25. Fire originated on first floor.

March 28, 1898, location 12 Bayard street, 3 story brick build-

ing, occupant, Mayer London, loss on building, \$222, loss on contents \$300. Fire in cellar, extended to family extension.

April 7, 1898, location 1520 First avenue, 4 story brown stone building, occupant, G. Giebelhaus, loss on building nothing, loss on contents nothing. Pan of fat afire in basement.

April 11, 1898, location 560 Hudson street, 4 story brick building, occupant, E. Clausen, loss on building nothing, loss on contents nothing. Fire on first floor.

April 15, 1898, location 325 Tenth avenue, 3 story brick building, occupant, H. Doelling, loss on building nothing, loss on contents nothing. Chimney fire.

April 22, 1898, location 186 West 80th street, 5 story brick building, occupant, N. A. Cushman, loss on building nothing, loss on contents nothing. Chimney fire.

April 26, 1898, location 139 Norfolk street, 5 story brick building, occupant, H. Brand, loss on building nothing, loss on contents \$35. Fire on first floor.

May 2, 1898, location 885 Columbus avenue, 5 story brick building, occupant, Charles F. Coy, loss on building nothing, loss on contents nothing. Fire confined to basement.

May 28, 1898, location 693 Sixth avenue, 5 story brick building, occupant, J. W. Lamon, loss on building, \$250 loss on contents, \$380. Fire in basement and first floor.

June 2, 1898, location 229 Avenue B, 5 story brick building, occupant, S. Wassmers, loss on building nothing, loss on contents nothing. Awning afire.

June 7, 1898, location 434 Amsterdam avenue, 5 story brick building, occupant, J. F. Moore, loss on building nothing, loss on contents nothing. Woodwork afire over oven in basement.

June 9, 1898, location 138 Tenth avenue, 3 story brick building, occupant, M. Scheaumburg, loss on building \$60, loss on contents nothing. Fire between ceiling of basement and flooring on first floor.

July 4, 1898, location 750 Ninth avenue, 5 story brick building, occupant, R. Pearson, loss on building nothing, loss on contents \$20. Awning afire.

July 19, 1898, location 2089 Madison avenue, 5 story brick building, occupant, E. Walland, loss on building nothing, loss on contents nothing. Chimney afire.

July 22 1898, location 758 Eighth avenue, 4 story brown stone building, occupant, D. Otto, loss on building nothing, loss on contents nothing. Chimney fire.

July 23, 1898, location 864 Second avenue, 5 story brick, occupant, L. Leupold, loss on building, \$175.47, loss on contents \$153.25. Fire confined to basement.

July 26, 1898, location 1611 Second avenue, 4 story brick building, occupant, M. Wolf, loss on building nothing, loss on contents nothing. Fire in chimney.

July 26, 1898, location 425 West 39th street, 4 story brick building, occupant, M. Yohmann, loss on building nothing, loss on contents nothing. False alarm.

July 29, 1898, location 655 Third avenue, 4 story brick building, occupant, A. Brandstetter, loss on building nothing, loss on contents nothing. Fire in chimney.

August 3 1898, location 981 Third avenue, 4 story brick building, occupant, J. Delbert, loss on building nothing, loss on contents \$9. Awning afire.

August 3, 1898, location 463 W. Broadway, 2 story brick building, occupant, H. Jung, loss on building nothing, loss on contents nothing. Fire in chimney.

August 18, 1898, location 432 E. 75th street, 3 story brick building, occupant, Adler & Eckstein, loss on building \$294.65, loss on contents nothing. Fire confined to extension.

August 20, 1898, location 1449 Second avenue, 5 story brick building, occupant, Albert Muesel, loss on building \$58.26, loss on contents \$14.25. Fire in hallway.

August 22, 1898, location 171 Norfolk street, 5 story brick building, occupant, A. Aftergut, loss on building nothing, loss on contents nothing. Fire of rubbish in dumb-waiter shaft in basement.

August 27, 1898, location 1100 Second avenue, 4 story brick building, occupant, T. Hurtig, loss on building nothing, loss on contents nothing. Fire in chimney.

September 17, 1898, location 330 E. Houston street and 168 Ridge street, 4 story brick building, occupants, W. Schwartz, M. Sanger, Samuel Knoble, loss on buildings \$245, loss on contents \$549.99. Fire originated in basement and extended to the first floor.

September 19, 1898, location 893 Ninth avenue, 5 story brick building, occupant, L. E. Cushman, loss on building nothing, loss on contents nothing. Fire consisted of rubber gas tube on first floor.

September 26 1898, location 1376 Third avenue, 5 story brick building, occupants, Howe & Hutton, loss on building \$290, loss on contents \$726.93. Fire originated on the second floor.

September 27, 1898, location 326 East 71st street, 5 story brick building, occupant, John Joscht, loss on building nothing, loss on contents \$45. Fire confined to first floor.

October 3, 1898, location 60 East 125th street, 4 story brick building, occupant, Fairbanks & Co., loss on building nothing, loss on contents nothing. Fire in chimney.

October 13, 1898, location Olin avenue and Lowmede street, 3 story brick building, occupant ———, loss on building nothing, loss on contents nothing. Confined to basement.

October 16, 1898, location 1025 Third avenue, 5 story brown stone building, occupant, M. Weill, loss on building \$643.50, loss on contents \$816. Fire confined to first floor.

October 16, 1898, location 1726 Second avenue, 5 story brick building, occupant Charles Degan, loss on building nothing, loss on contents nothing. Awning afire.

October 16, 1898, location 1519 Third avenue, 3 story frame building, occupant, J. D. Hennessey, loss on building \$100, loss on contents \$475. Fire in basement and extended to second floor.

November 9, 1898, location 115 Canal street, 5 story brick building, occupant, H. Schlatter, loss on building nothing, loss on contents nothing. Rubbish afire in cellar.

November 12, 1898, location 28 Broome street, 4 story brick building, occupant, S. Green, loss on building nothing, loss on contents nothing. Smoky chimney.

November 12, 1898, 1462 Madison avenue, 5 story brick building, occupant, Rudolph Esler, loss on building nothing, loss on contents nothing. Fire on first floor.

November 13, 1898, location 1519 Third avenue, 3 story frame building, occupant, Joseph Jung, loss on building nothing, loss on contents \$282.50. Fire in cellar and extended to first floor.

November 13, 1898, location 1519 Third avenue, occupant, John Hennessey, loss on building \$300, loss on contents \$372.91. Fire originated on the first floor.

November 13 1898, location 773 Columbus avenue, 5 story brick building, occupant Joseph Jung, loss on building nothing, loss on contents \$282.50. Fire in cellar and extended to first floor.

November 14, 1898, location 128 Essex street, 3 story brick building, occupant, E. Godfrey, loss on building nothing, loss on contents nothing. Rubbish afire in basement.

November 20, 1898, location 785 Eleventh avenue, 4 story brick building, occupant, Henry C. Martin, loss on building nothing, loss on contents nothing. Chimney afire.

December 3, 1898, location 592 Amsterdam avenue, 5 story brick building, occupant, A. Wessels, loss on building \$29.60, loss on contents, \$6. Fire confined to first floor.

December 8, 1898, location 2216 Eighth avenue, 5 story brick building, occupant, Henry Heimann, loss on building nothing, loss on contents \$106. Fire in basement.

December 27, 1898, location 437 E. 59th street, 5 story brick building, occupant, L. Brady loss on building nothing, loss on contents nothing. Fire confined to first floor.

December 28, 1898, location 540 Hudson street, 3 story brick building, occupant, S. L. Wood, loss on building \$350, loss on contents \$556.71. Fire in basement and extended to first floor.

January 1, 1900, location 1702 Second avenue, 5 story brick, Wm. Steikel, loss on contents, \$325. Fire in cellar and first floor.

January 2, 1900, location 892 First avenue, 4 story brick, J. Rosbaum. Chimney afire.

January 3, 1900, location 116 Suffolk street, 5 story brick, Max Klahz. Chimney afire.

January 5, 1900, location 1803 Second avenue, 5 story brick, Albert Scheid, basement and first floor afire.

January 19, 1900, location 160 Rivington street, 4 story brick, J. Fallich, loss on building. \$425, loss on contents, \$500. Fire in cellar.

January 26, 1900, location, 326 Broome street, 5 story brick,

Chas. Berger, loss on building, \$25; loss on contents, \$10. Sparks from furnace.

February 18, 1900, location, 1376 Third avenue, 5 story brick, Howe & Hutton. Fire originated on the third floor and extended to the roof.

February 22, 1900, location, 98 Willett street, 5 story brick, E. Wickner, loss on building, \$38.15; loss on contents, \$60. Fire in basement.

March 24, 1900, location, 262 Delancey street, 3 story brick, Louis Moshkowitz. Rubbish afire in cellar.

April 1, 1900, location, 1504 Second avenue, 5 story brick, M. Steurmamm, loss on contents, \$49. Overheated stove.

April 13, 1900, location, 67 Clinton street, 6 story brick, Jacob Kuller, loss on contents, \$108. Fire in front part of first floor.

April 20, 1900, location, 44 Greenwich street, 5 story brick, John Loster, loss on building, \$21; loss on contents, \$23.50. Gas stove afire.

May 5, 1900, location, 51 Hester street, 5 story brick, H. Cohen. Chimney afire.

May 16, 1900, location, 1498 First avenue, 3 story brick, A. Stein. Chimney afire.

May 21, 1900, location, 2049 Second avenue, 5 story brick, Morris Wohl, loss on building, \$200; loss on contents, \$50. Fire originated on second floor and damaged adjoining house.

May 31, 1900, location, 438-440 East 72d street, 4 story brick, A. Fink. Fire in chimney.

June 10, 1900, location, 171 Norfolk street, 5 story brick, Moses Mander, loss on building, \$75; loss on contents, \$25. Leak in gas pipe.

June 16, 1900, location, 68 Bayard street, 6 story brick, C. Pallagreen. Fire in chimney.

June 16, 1900, location, 158 Eighth avenue or 300 West 18th street, 6 story brick, B. Cushman. Fire in water boiler in basement.

June 20, 1900, location, 779 Ninth avenue or 370 W. 52nd street, 4 story brick, L. Denner. Fire in chimney.

June 22, 1900, location, 184 Seventh avenue or 200 West 21st street, 4 story brick, D. Ovesberg. Fire caused by carelessness with matches.

June 23, 1900, location, 70 Bayard street, 2 story brick, Frank Franti. Fire in chimney.

June 25, 1900, location, 298-302 South street, 4 story brick, H. Holmes' bakery. False alarm.

July 1, 1900, location, 1895 Third avenue, 5 story brick, A. Winetsky. Rubbish afire in basement.

July 9, 1900, location, 69 Suffolk, 5 story brick, W. Brisman. Fire caused by carelessness with matches.

July 11, 1900, location, 31 Eighth avenue, 3 story brick, E. E. Mapes. Fire in chimney.

July 12, 1900, location, 112 Hester street, 5 story brick, Isidore Kern. Fire in chimney.

July 18, 1900, location 2579 Eighth avenue, 5 story brick, Sandome Baking Company. False alarm.

July 28, 1900, location, 1634 Second avenue, 5 story brick, Louis Wolf. Smoky chimney.

July 28, 1900, location, Second avenue, 5 story brick, Louis Wolf. Smoky chimney.

July 28, 1900, location, 880 Eighth avenue, 4 story brick, Martin Bachmann. Breaking of gas bracket on first floor.

August 6, 1900, location, 2517 Eighth avenue, 4 story brick, Henry Koch. Rubbish afire in basement.

August 11, 1900, location, 523 Second avenue, 5 story brick, Jacob Job; loss on contents, \$778. Front part of first floor, damaged next building.

August 12, 1900, location, 667 E. 168th street, 4 story brick, John Giebelhaus; loss on building, \$111.77. Fire caused by fat boiling over on stove.

August 20, 1900, location, 215 Third avenue, 3 story brick, J. L. E. Meyer. Fire from baker's oven.

August 23, 1900, location, 218 West 61st street, 5 story brick, A. Steck; loss on building, \$898; loss on contents, \$425. Fire in basement and extended to roof.

August 29, 1900, location, 268 Columbus avenue, 6 story brick, R. A. Hine. Fire on first floor.

September 6, 1900, location, 64 Avenue A, 4 story brick, T. Macheinski; loss on contents, \$28.90. Kerosene oil stove.

September 8, 1900, location, 194 Henry street, 6 story brick, P. Jacobs. Fire in chimney.

September 12, 1900, location, 576 Second avenue, 4 story brick, Howe & Hutton. Chimney afire.

September 28, 1900, location, 1845 Third avenue, 4 story brick, J. F. Danzel. Chimney afire.

October 1, 1900, location, 540 West 125th street, 5 story brick, John Bauer. Fire in fuel bins in basement and extended to the first floor.

October 13, 1900, location, 51 Hester street, 5 story brick, Otto Feldman. Fire in basement and extended to the first floor.

October 15, 1900, location 81 Norfolk street, 5 story brick, A. Keller. Fire in wooden girder in cellar.

October 16, 1900, location, 156 Ridge street, 5 story brick, Sig-mund Green; loss on building, \$287.16; loss on contents, \$525. Fire in cellar.

November 15, 1900, location, 655 Third avenue, 4 story brick, G. Zwernemann. Awning afire.

December 1, 1900, location, 2999 Eighth avenue, 4 story brick, J. Spangenberg; loss on contents, \$300. Upsetting fat on stove.

December 5, 1900, location, 1572 Lexington avenue, 5 story brick, E. Liesner. False alarm.

December 6, 1900, location, 2049 Second avenue, 5 story brick, M. Wohl. Fire in cellar.

December 27, 1900, location, 356 Canal street, 3 story brick, Joseph Glogan; loss on building, \$337; loss on contents, \$85. Fire originated in frame building in yard and extended to adjoining building and contents.

December 28, 1900, location, 4-6 West Fourth street, 6 story brick building, H. J. Klappert; loss on building, \$2,641.21; loss on contents, \$14,906.27. Fire originated on the fourth floor and extended to the sixth floor.

December 29, 1900, location, 129-133 Ridge street, 6 story brick building, occupant, Louis Zittenrich; loss on building, nothing; loss on contents, \$90. Fire in basement.

January 1, 1902, location 331 Ninth avenue, 3 story brick building, occupant H. Schinkel, loss on building, nothing, loss on contents nothing. Overheated oven and window curtain fire on third floor.

January 4, 1902, 1365 Third avenue or 200 East 78th street,

4 story brick building, C. F. Anger, loss on building, \$75, loss on contents, \$200.25. Fire confined to basement.

January 5, 1902, 360 Tenth avenue, 5 story brick, J. Menne. Fire originated on first floor and extended to second floor.

January 7, 1902, 417 Amsterdam avenue or 186 West 80th street, 5 story brick, L. A. Cushman, loss on building \$459, loss on contents \$275. Fire in basement and second floor.

January 9, 1902, 1239 Third avenue, 4 story brick, Anton Frieden, loss on building \$570, loss on contents \$519.75. Fire on first and second floors.

February 5, 1902, 2498 Eighth avenue, 5 story brick, H. Reusser. Fire in chimney.

February 11, 1902, 901 Third avenue, 4 story brick, G. Mueller. Awning fire.

February 15, 1902, 133 Cedar street, 3 story brick, Ernest Doyert. Overheated range fire, first floor.

February 18, 1902, 864 Broadway, 4 story brick, Corriad. False alarm.

March 22, 1902, 795 Amsterdam avenue, 5 story brick, G. J. Kindall. Fire on first floor.

March 29, 1902, 138 Orchard street, 5 story brick, J. Bock. Fire on first floor.

April 2, 1902, 38 West 135th street, 4 story brick, N. E. Drake Baking Company. False alarm.

April 5, 1902, 556 Cortlandt avenue, 5 story brick, Charles Kuhner. Fire confined to escaping gas in cellar.

April 12, 1902, 142 West 17th street, 5 story brick, H. Questroy, loss on building \$390, loss on contents \$85.60. Fire in basement.

April 21, 1902, 288 East 3d street, 6 story brick building, London Brothers. Fire in chimney.

April 21, 1902, 349 East 109th street, 1 story frame, Ciro Spine. Fire in chimney.

May 8, 1902, 86-96 Canal street, 5 story brick, H. Saches, loss on contents \$363.64. Fire originated on the fourth floor, and extended to the roof and adjoining buildings.

May 11, 1902, 438-440 East 72d street, 4 story brick, A. Fink, loss on contents \$82.50. Fire confined to top wagon in driveway.

June 1, 1902, 1682 Avenue A, 4 story brick, George Yost, loss on contents \$450. Fire confined to basement.

June 7, 1902, 2390 First avenue, 4 story brick, J. Schnitz. Fire in chimney.

June 11, 1902, 473 Columbus avenue, 5 story brick, E. A. Fairbanks, loss on contents \$7.90. Awning fire.

June 17, 1902, location 434 Pearl street, 5 story brick, E. Lerner. Chimney fire.

June 20, 1902, location 172 Ludlow street, 5 story brick, Isaac Hindler. Upsetting of lighted candle on the first floor.

June 22, 1902, location 1887 Second avenue, 5 story brick, H. Hallen. Fire in cellar.

June 27, 1902, location 606 East 115th street, 4 story brick, F. Rescigno. Fire in chimney.

July 1, 1902, location 2055 Third avenue, 4 story brick, Charles Hays, loss on contents \$5. Awning fire.

July 4, 1902, location 267 William street, 5 story brick, E. Hauss, loss on contents \$18. Fireworks.

July 5, 1902, location 846 Eleventh avenue, 5 story brick, Charles Karn. Gas explosion in basement.

July 10, 1902, location 1520 First avenue, 4 story brick, C. Giebelhaus. Fire in netting around gas jet in show window.

July 18, 1902, location 231-233 East 64th street, 2 story brick, Robert J. Collins. Bursting of baker's oven on first floor.

July 22, 1902, location 174 Mulberry street, 6 story brick, Auriello Denisen, loss on building \$125, loss on contents \$50. Fire in basement, extended up elevator shaft, damaged adjoining building.

July 24, 1902, location 85 Sheriff street, 4 story brick, H. Drekslar. False alarm.

July 27, 1902, location 69 Suffolk street, 5 story brick, H. Zweifack. Fire in chimney.

July 20, 1902, location 68 Mott street, 5 story brick, N. Pasquale. Fire in chimney.

August 1, 1902, location, 19 Spring street, 5 story brick, P. Morei. False alarm.

August 6, 1902, location 181 East 4th street, 4 story brick, R. Wimmer, loss on building \$350. Fire confined to wood houses in cellar.

August 6, 1902, location 203 Eldridge street, 6 story brick, A. Klein. Fire in chimney.

August 13, 1902, location 125 Tenth avenue, — story brick, H. Doeling. Fire in chimney.

August 20, 1902, location 2089 Madison avenue, 5 story brick, Joseph Weikel. Fire in chimney.

August 21, 1902, location 575 Hudson street, 4 story brick, P. Sussman. Fire in chimney.

August 31, 1902, location 619 East 6th street, 5 story brick, D. Krassman. Fire in chimney.

September 5, 1902, location 502 Second avenue, 5 story brick, R. Bacher. Fire in rubbish on fire escape on fourth floor.

September 6, 1902, location 1444 Vyse avenue, 2 story frame, C. Walters, loss on building \$342.86, loss on contents \$357.15. Fire confined to cellar.

September 13, 1902, location 40 Monroe street, 6 story building, A. Berlowitz. Fire on first floor.

September 15, 1902, location 279 Greenwich street, 4 story brick, Gustav Buck. Fire confined to cellar.

September 27, 1902, location 2517 Eighth avenue, 4 story brick, Henry Koch; loss on building, \$280; loss on contents, \$200. Fire confined to wood-houses in basement.

September 29, 1902, location 60-68 West End avenue, 3 story brick, Eggers. False alarm.

October 3, 1902, location 136 Suffolk street, 5 story brick, Meyer Herbst; loss on building, \$70; loss on contents, \$125. Fire confined to bakehouse in basement.

October 4, 1902, location 1455 Avenue A, 4 story brick, Frank Jaros; loss on building, \$300; loss on contents, \$20. Fire originated and confined to first floor.

October 5, 1902, location 168 Orchard street, 5 story brick, Hyman Hochberg. Fire in chimney.

October 8, 1902, location, 47 Orchard street, 6 story brick, S. Lipsky. Carelessness with matches on the first floor.

October 8, 1902, location, 28 Columbus street, 5 story brick, L. Zutron. Fire in chimney.

October 10, 1902, location, 502 Second avenue, 5 story brick, R. Bacher. Fire in chimney.

October 10, 1902, location, 55 Clinton street, 5 story brick, Max Abrams. Fire originated and confined to the first floor.

October 11, 1902, location, 381 Third avenue, 3 story brick, R. Muenz. Fire in chimney.

October 12, 1902, location, 203 West 19th street or 152 Seventh avenue, 4 story brick, John Lindenberg. Fire in chimney.

October 14, 1902, location, 817 Sixth avenue, 4 story brick, Cushman. Fire in chimney.

October 21, 1902, location 51 Columbus avenue, 6 story brick, Marx Raemer. Fire in chimney.

October 21, 1902, location, 202 Avenue A, 4 story brick, Otto Loeschner. Fire in chimney.

October 25, 1902, location, 202-204 Stanton street, 5 story brick, R. Rubenstein. Fire in chimney.

October 27, 1902, location, 234 West 20th street, 5 story brick, M. Crepy. Fire in chimney.

November 1, 1902, location, 560 Second avenue, 4 story brick, Geo. Vollmer. Fire on first floor.

November 5, 1902, location, 160 Orchard street, 5 story brick, M. Tige. Fire in chimney.

November 5, 1902, location, 813 Columbus avenue, 5 story brick, A. Wissels. Fire in chimney.

November 10, 1902, location, 1025 Third avenue, 5 story brick, M. Weill. Fire in awning over show window; loss on contents, \$25.

November 18, 1902, location, 619 Sixth avenue, 5 story brick, D. Krassman. Fire in chimney.

November 19, 1902, location, 54 Forsythe street, 5 story brick, L. Greenwald. Carelessness of plumbers with matches.

November 20, 1902, location, 7 Ludlow street, 5 story brick, Sam Adelson. Fire in chimney.

November 7, 1902, location, 116 Mulberry street, 5 story brick, B. Ferici. Fire in chimney.

December 5, 1902, location, 329 Ninth avenue, 3 story brick, A. Schinkel. Fire in basement.

December 9, 1902, location, 846 Eleventh avenue, 5 story brick, Chas Korn; loss on building, \$146.52. Fire in basement.

December 11, 1902, location, 73-77 Baxter street and 106 Bayard street, 7 story brick, Frank Ferrinto. Fire in chimney.

December 17, 1902, location, 66 New Chambers and 74 Roosevelt street, 5 story brick, W. H. Hale; loss on contents, \$286.75. Fire in basement and first floor.

December 23, 1902, location, 817 Westchester avenue, 4 story brick, G. Diegel. Fire confined to gas meter in basement.

December 31, 1902, location, 96 Monroe street, 5 story brick, David Bosky. Chimney fire.

January 4, 1903, location 417 Seventh avenue, 3 story brick building, occupant, E. Eershop; loss on building, nothing; loss on contents, nothing. Fire in chimney.

January 4, 1903, location, 81 Rivington street, 5 story brick building, Chris. F. Frericks. Rubbish on first floor.

January 9, 1903, location, 494 Eighth avenue, 3 story brick building, A. Stein. Explosion of oil stove on first floor.

January 19, 1903, location 703 Ninth avenue, 5 story brick building, L. Sice. Chimney fire.

January 22, 1903, location, 1485 Second avenue, 4 story brick building, G. Sussman. Fire in cellar.

January 23, 1903, location, 616 East 138th street, 5 story brick building, L. Ihrigo. Fire originated on the first floor.

January 26, 1903, location, 31 Amsterdam avenue, 5 story brick building, William J. Stewart. Chimney fire.

February 1, 1903, location, 235 East 4th street, 5 story brick building, A. Hopke. Chimney fire.

February 7, 1903, location, 284 Madison street, 6 story brick building, Nathan Simekin. Heat from baker's oven in cellar.

February 9, 1903, location, 1471 Second avenue, 6 story brick building, John Goetz. Fire in basement.

March 1, 1903, location. 848 Second avenue, 5 story brick building, Ernest Richie; loss on building, \$475; loss on contents, \$25. Fire in basement.

March 3, 1903, location, 1722 Park avenue, 4 story brick building, William Galligan; loss on contents, \$28. Clothing in bedroom on first floor on fire.

March 12, 1903, location. 948 First avenue, 5 story brick bu'd-

ing, A. Hoffman; loss on building, \$2,000. Fire originated in cellar and extended to the roof.

March 19, 1903, location, 568 Amsterdam avenue, 5 story brick building, G. Busch. Several butter tubs near oven in basement on fire.

March 23, 1903, location, 204 Spring street, 7 story brick building, L. Gabrieli. Chimney fire.

May 3, 1903, location, 257 First avenue or 354 East 15th street, 4 story brick building, H. F. N. Truelson; loss on contents, \$175. Fire originated in basement and extended to the fourth floor.

May 4, 1903, location, 181 East Houston street, 5 story brick building, G. Spielholz; loss on contents, \$235. Fire on first floor.

May 13, 1903, location, 256 Fourth street, 6 story brick building, W. Brissman. Chimney fire.

May 16, 1903, location, 68 Mott street, 5 story brick building, Charles Squilante, chimney fire.

May 20, 1903, location, 299 Bleecker street, 5 story brick building, C. F. Stengel. Chimney fire.

May 23, 1903, location, 1025 Third avenue, 5 story brick building, W. Weill. Fire confined to quantity of paper bags on first floor.

May 29, 1903, location, 537 West 29th street, 4 story brick building, R. Muller, chimney fire.

June 1, 1903, location, 216 Eighth avenue, 2 story brick building, A. Cushman. Fire confined to awning in rear basement area.

June 1, 1903, location, 13 Seventh street, 5 story brick building, E. Ball. Chimney fire.

June 8, 1903, location, 740 Tenth street, 4 story brick building, A. Battenhausen. Chimney fire.

June 15, 1903, location, 60 Ann street, 5 story brick building, occupants, Wolf & Werger. Fire originated and confined to the fourth floor.

June 24, 1903, location 62 East Eighth street, 4 story brick building, Bulkhardt. Chimney fire.

July 24, 1903, location 824 Courtland avenue, 2 story frame building, Julius Glum, loss to building \$2,077. Fireworks.

July 5, 1903, location 567 Tenth avenue, 6 story brick building, A. Swanson. Awning on fire on first floor.

July 6, 1903, location 61 Mott street, 6 story brick building, Salvatore Fusco. Chimney fire.

July 11, 1903, location, 260 First avenue, 4 story brick building, G. F. Anger. Awning on fire on first floor.

July 14, 1903, location, 793 Washington street, 5 story brick building, Jacob Siry. Fire in cellar.

July 15, 1903, location 51 Forsythe street, 6 story brick building, W. Julman. Chimney fire.

July 22, 1903, location 90 Pitt street, 5 story brick building, R. Lesser, loss on contents \$125. Fire on first floor.

July 23, 1903, location 96 Monroe street, 5 story brick building, M. Simpson. Chimney fire.

August 14, 1903, location 870 Forest avenue, 2 story brick building, H. Heberstreit. Chimney fire.

August 27, 1903, location 104 Suffolk street, 5 story brick building, S. Hubar, loss to contents, \$75. Fire originated on the second floor and extended by stairway to the roof.

September 2, 1903, location 1325 First avenue or 363 East 71st street, 6 story brick building, occupant, E. Schmalkuekle, loss on contents, \$39.44. Fire in basement.

September 15, 1903, location 818 Second avenue, 4 story brick building, William Peters. Chimney fire.

September 17, 1903, location, 703 Ninth avenue, 5 story brick building, F. D. Hennessey. Chimney fire.

September 20, 1903, location 1366 Broadway, 2 story brick building, 1 story brick building, and frame extension, John Figallo, loss on contents \$70. Fire confined to roof extension.

September 25, 1903, location 4119 Park avenue, 3 story frame and 1 story frame extension, Robert Niuno. Fire originated in basement of extension and extended to first, second and third floors of Main building.

September 29, 1903, location 26 Baxter street, 6 story brick building, T. Jarmato. Chimney fire.

October 8, 1903, location 363 First avenue, 4 story brick building, E. Meidinger, loss on building \$200, loss on contents, \$339.53. Fire in basement and first floor.

October 15, 1903, location 252 Elizabeth street, 5 story brick

building, C. Strongone, loss on contents \$250. Fire in basement extended to first floor.

October 27, 1903, location 11 Riverdale avenue, 2 story frame building, Louis Zircher. No remarks.

November 15, 1903, location 364 Eighth avenue, 4 story brick, S. Burbank. Rubbish in rear area.

November 7, 1903, location 166 Leonard street, 5 story brick building, Dominico Stoholo. Fire in basement.

November 22, 1903, location 428 Sixth avenue, 3 story brick building, B. Burbank. Fire confined to pan of pudding on stove in basement.

November 26, 1903, location 900 Courtlandt avenue, 4 story brick, George Peters, loss on building, \$350, loss on contents \$591.27. Fire in basement and first floor.

November 27, 1903, location 183 Allen street, 5 story brick, M. Antonier, loss on contents \$17.50. Fire originated on first floor.

November 29, 1903, location 1133 Second avenue, 4 story brick building, John Paton. Fire originated in basement and extended to second floor.

December 3, 1903, location 133 Delancey street or 92 Norfolk street, 3 story brick building, H. Grob, loss on contents nothing, loss on building \$3,350. Fire originated on third floor and extended to roof.

December 6, 1903, location 7 Rivington street, 5 story brick building, F. H. Denker. No remarks.

December 9, 1903, location 33 Allen street, 5 story brick building, L. Mendelsohn, loss on building \$360, loss on contents \$1,550. Fire originated and confined to first floor.

December 12, 1903, location 235 Hudson street, 2 story brick building, occupant Jacob Durrenberger. Fire confined to pot of tar on roof.

December 27, 1903, location 108 First avenue, 5 story brick building, occupant H. Fisher, loss on building \$90.91, loss on contents \$250. Fire confined in basement.

December 31, 1903, location 1504 Second avenue, 5 story brick building, occupant F. Siemann, loss on building nothing, loss on contents, \$350. Fire confined to Christmas tree in show window."

Mr. HILL: Now, I wish also to read and leave for your consideration a letter from the secretary of the New York Merchant Bakers Security Association relative to fires.

Mr. ELKUS: Is that an insurance company?

Mr. HILL: Yes, sir, this is the New York Merchant Bakers Security Association, and incorporated under the laws of New York for insurance purposes. This letter says:

"DEAR SIR:—Complying with your kind request for an abstract from the books of record of the N. Y. M. B. S. A. a co-operative fire insurance for bakeries in New York City I am pleased to give you the following figures.

During period of one year, January 15, 1911, to January 15, 1912, 134 bakeries carrying insurance of \$340,000. Losses \$20, or practically none, said losses being for awnings outside of bakeries.

During period of nearly two years, January 5, 1911, to December 11, 1912, 214 bakeries carrying a total insurance. Losses during said period \$150 said amount being again for awning fires occasioned outside of bakeries.

"Very truly yours,

"(Signed) L. LUST,

"Secretary."

Mr. ELKUS: Where did they get their records from? Is that only their own losses?

Mr. HILL: This that I just read?

Mr. ELKUS: Yes.

Mr. HILL: That is their own record, their own losses, losses on insurance which they are carrying (reading). Also I submit a copy of a letter from the secretary of the New York State Master Bakers Security Association showing that the only losses from fire in about 214 bakeries in this city carrying about \$750,000 of insurance during a period of nearly two years, were losses on awnings amounting to only \$150.

Now in the matter of ventilation (reading). "It need only be said that in these days when buildings are being constructed

with several floors below the curb level and being perfectly ventilated by mechanical means, and used for mercantile purposes, for restaurants, dining rooms, kitchens and for all sorts of purposes, it is certainly feasible to ventilate, light and equip a cellar bakery in such a way as to make it the equal in every respect of a bakery on any floor of a building."

These are some of the objections mentioned by Dr. Price to the cellar bakery — drainage, light, ventilation, high temperature, humidity, proximity of plumbing, conditions of surfaces, washing facilities, dressing rooms, toilet accommodations, cleanliness of utensils, handling of product, cleanliness of product, sleeping on premises, presence of domestic animals, presence of vermin and insects, safety of product. Surely there is nothing among these evils which of necessity must obtain in the cellar bakery.

I wish to call your attention briefly to some statements and facts presented by Dr. Price, Frederick L. Hoffman, and others, bearing upon health of bakers.

Granting that conditions in the past have not been all that could be desired, we maintain that, in the light of statistics presented, there is nothing pertaining to health conditions of the workers in bakeries which justifies any special legislation with regard to location of bakeries or any other feature of bakery work.

Now, I mention the health of bakers, the workers, I mean, the men who work in the shop, for the reason that the abolition or prohibition of future cellar bakeries is urged because it is an unhealthful place to work. That is one of the grounds, on which, as I understand it, the recommendation is based.

(Reading) "Dr. Price refers to a medical examination of 933 bakeries in New Jersey in 1892 but gives no figures pertaining to same. I find in reference to this same examination in Bulletin No. 82, Department of Commerce and Labor, page 526. Among other things this report says: 'The average number of years at work was 16.9 and of the total number under consideration 6.1 per cent. were beginning to decline in health, the number of which was 57; nearly one half or 47 per cent. gave the cause of decline as general debility, 22.8 per cent. as rheumatism, 15.8 per cent. as disease of the throat and lungs (including catarrh) and in only

one case was the cause of decline attributed to heart, and in one other case to overstrain.'

On page 521 of said bulletin, Dr. Lewis is quoted as saying: 'The profession of baker, known generally as a very unhealthy one is however, less so than it has been said to be.'

Dr. Price says in his report 'It is somewhat open to question how the general official statistics are impaired in value by the inclusion of confectioners, who are, probably less exposed to flour and other organic dust than bakers.'

We are unable to find any authority for this assertion that the confectioners' trade is more favorable to health than the bakers' trade. On the other hand, Hirt says (Bulletin No. 82, page 523) 'He was further of the opinion that confectioners were more liable to consumption' than bakers.

Statistics on page 533 and 535 of Bulletin No. 82 shows that in Switzerland confectioners are much more liable to consumption than bakers.

Statistics on page 532 of Bulletin No. 82 compare the mortality from consumption among all occupied males with that of bakers. These statistics are for England and Wales, the years 1890 to 1892 and 1900 to 1902. In the former table the result in the two classes is about equal; in the latter table the figures are favorable to bakers as compared to all occupied males.

It would seem unnecessary that I should further burden you with statistics from this source, we think, however, that a careful study of Mr. Hoffman's article on pages 518 to 537 of Bulletin No. 82 would fail to convince one that the occupation of a baker is unhealthful to any marked degree."

I would like to put in right here that Mr. Hoffman is considering the effect of dust on workers in trades in which dust is prevalent. Now, the matter of dust in a bakery is getting to be a thing of the past where machinery is used, and there is very little dust — in fact you might say there is no dust in the bakery where bread is mixed by machinery. How can dust come in contact with the men's lungs?

Mr. ELKUS: (Interrupting.) —Where is your bakery located?

Mr. HILL: On Lenox avenue near 125th street.

Mr. ELKUS: What is the number?

Mr. HILL: No. 310 Lenox avenue.

Mr. ELKUS: Do you know a bakery at 287 Lenox avenue?

Mr. HILL: I do.

Mr. ELKUS: Do you know who is the proprietor of it?

Mr. HILL: Well, I think I do.

Mr. ELKUS: Is he a member of your association?

Mr. HILL: No, sir.

By Mr. ELKUS:

Q. Do you ever go into that bakery? A. I have never been in that bakery shop. I have been in the store but never in the shop. (Reading.) "As bearing upon the entire matter of health in bakeries as tending to justify discriminatory legislation, I wish to quote Justice Peckham in the United States Supreme Court decision in the case of N. Y. against Lochner."

Mr. ELKUS: That is the bake shop case?

Mr. HILL: Yes; bearing only on the hours of labor.

Mr. ELKUS: That is the case held unconstitutional, the limitation of the hours of labor of bakers.

Mr. HILL: Yes. I want to give to you some of the reasons given for the decision in this case, if I may.

Mr. ELKUS: I am familiar with that decision, and I think the Commission is.

Mr. HILL: Well, it will only take me a minute. I should like to read it, if you do not object; if you desire, I will suspend.

Mr. ELKUS: We know the case. You may read it if you like.

Mr. HILL: It is simply for the purpose of showing that the argument which applies in the case which was then under consideration might —

Mr. ELKUS: Do you think if that case came up for consideration now it would be held unconstitutional?

Mr. HILL: I think it ought to be held unconstitutional.

Mr. ELKUS: Do you think it would.

Mr. HILL: I am not expressing any opinion; I do not know anything about it. The course of justice don't run sometimes just as it ought to.

(Reading.) "Justice Peckham says: 'In looking through statistics regarding all trades and occupations, it may be true that the trade of a baker does not appear to be as healthy as some other trades, but it is, also, vastly more healthy than still others. To the common understanding, the trade of a baker has never been regarded as an unhealthy one. Very likely physicians would not recommend the exercise of that or any other trade as a remedy for ill-health. Some occupations are more healthy than others but we think there are more which might come under the power of the Legislature to supervise and control the hours of those working therein, if the mere fact that the occupation is not absolutely and perfectly healthy is to confer that right upon the legislative department of the government. It might be safely affirmed that almost all occupations more or less affect the health. There must be more than the mere fact of a possible existence of some small amount of unhealthiness to warrant legislative interference with liberty.'

We desire to call your attention to another particular in which the proposal for the prohibition of future cellar bakeries is related to the public welfare. Dr. Price calls attention to the fact that the trade is largely in the hands of men of small capital employing each a small number of men. The average number of employees to each bake shop in New York State being about three. Dr. Price states that it requires very little capital to rent a cellar and set up a bakery. Provided, then, that a bakery can be properly ventilated, constructed and equipped, would it not be to the advantage of the public to allow the establishment of such bakeries under sanitary supervision of some competent authority?"

Mr. ELKUS: May I ask you a question?

Mr. HILL: Certainly.

Mr. ELKUS: You know, what has been proposed in this bill here has been in practice in Chicago for a number of years. Do you know whether or not the effect has been to drive the small bakers out of existence?

Mr. HILL: I think this proposal has been in effect in Chicago too short a time to show what its effect will be.

Mr. ELKUS: How long has it been in effect there?

Mr. HILL: I cannot say, but only a year or two.

Mr. ELKUS: It is over two years.

Mr. HILL: I have read something concerning that in the trade papers, and I understand that the original proposal was to drive the bakeries then existing out of business. That proposal was modified, as cellar bakeries are now in existence in Chicago, so I am informed.

Mr. ELKUS: That is what we propose here.

Mr. HILL: That is what they propose there, but in that case they proposed to drive them out at the present time.

Mr. ELKUS: But they changed that?

Mr. HILL: Yes, sir. Now, the law has been in effect there too short a time to see what its ultimate effect will be. I think that there is no doubt if you prohibit the establishment of bakeries here in New York city where property is high and rent is high—

Mr. ELKUS: Don't get away from the bill. We are not going to prohibit bakeries now in cellars; it is to prohibit new bakeries being built. The present cellar bakery may still be used wherever it is now in use.

Mr. HILL: Yes, I understand that; but if you prevent the future establishment, or if you prevent the future growth of the business—

Mr. ELKUS: (Interrupting.)—I see.

Mr. HILL: If you prevent the future growth of the business it does not make any difference to me personally, I am in a cellar

bakery already, and it does not make any difference to me personally whether you prevent the future establishment of cellar bakeries or not. I am arguing against it because I think it is wrong, if you do prohibit it, I think you are doing wrong to the public; I think there are good reasons why the future cellar bakeries should not be prohibited, and that is the question I am attempting to argue.

The question of equipment of cellar bakeries — I am willing to concede that future cellar bakeries should be constructed as I have said, under the supervision of any competent authority.

(Reading.) "Many lines of bakery articles deteriorate with handling. Pies, cakes, fancy pastry, all these should be served direct from the producer to the customer and are better served by a local baker.

It has been said with reference to big business, that mere bigness is no crime. We submit also that littleness is no crime. If the big concern is more efficient, can serve the public better than the small concern, it is reasonable to allow them to show that fact and if they get the business, let it be done in a fair manner. Should laws be passed whose inevitable effect will be the gradual elimination of the independent baker, unless it is conclusively shown that the small baker cannot equip his shop and manufacture goods in every way equal or superior to the factory bakery?

The cellar bakery can be equipped with dough mixer, sifting outfit, cake mixers and every device for the cleanly production of bakery goods. The day of hand mixing of bread and cake doughs in any bakery, large or small, is rapidly passing away, indeed, it is nearly past. We believe the large majority of bakeries are rapidly learning that they cannot afford to stick to out-of-date methods in manufacturing.

The proposal to abolish the cellar bakery is a step toward centralization in the baking business; rather it is a step tending to aid centralization by law. The general policy of our government has been presumably, to prevent large combinations in any business which would control such business. Already large capitalists are casting eyes on the field occupied by the retail baker. One or two \$5,000,000 corporations are now in existence, doing business, and recently it was reported in a trade paper that the formation of a

\$50,000,000 corporation to operate retail stores throughout the country was under way.

We cannot think it possible that this Commission will recommend such legislation as will put the small baker at a disadvantage in meeting such competition. An inspection of only a few cellar bakeries by members of this commission will convince you of the great possibilities of development along lines beneficial alike to bakery proprietors, bakery workers and consumers."

Mr. ELKUS: Is there anything else, Mr. Hill?

Mr. HILL: Yes, I would like to mention just one or two things.

Now, one of those who spoke this morning, in speaking of the license, voiced the idea that the expense of inspection might be partly borne by charging a fee for the license.

Now, I would be very much against that feature of the program.

The CHAIRMAN: There is no such proposal.

Mr. HILL: I know there is no such proposal made as yet, but I would simply like to make this point, that I believe that the baking business is a legitimate business; we have a right to engage in it; the only restrictions you or the public have a right to impose upon us is that we shall conduct it so that it shall be a benefit and not a menace to the community. We agree and concede, that as far as that goes we will go as far as anyone will. We want clean shops, but when we have done our duty, then we want our right to do business to be recognized as a right and not as a matter of license.

Mr. ELKUS: Well, there are many legitimate businesses that have to be licensed by reason of the nature of that business.

Mr. HILL: Well, there are many that I would not consider legitimate -- for instance, we license stores in this city to sell poison.

Mr. ELKUS: To sell what?

Mr. HILL: Poison, so to speak, to poison men's bodies and souls, and they are the prime breeders of crime of this country, and I do not want to have our business put upon that basis.

Mr. ELKUS: We do not mean saloons. Every plumber has to be licensed, unless you class a plumber in the category of a malefactor.

Mr. HILL: However, I think it might be better not to put us —

Mr. ELKUS (Interrupting): And there is a great movement now to license many more businesses. For instance, chiropodists have now got to be licensed.

Mr. HILL: A physician is obliged to have a diploma.

Mr. ELKUS: He has to have a license.

Mr. HILL: It does not make much difference; it amounts to about the same thing.

Mr. ELKUS: I think you suggested yourself a certificate of a sanitary inspection, which is the same thing practically.

Mr. HILL: Similar, not exactly; under a different name, and we prefer the other name.

Mr. ELKUS: I do not think you would object, as I take it, to most of the parts of this proposed legislation except about cellar bakeries, and that in the future —

Mr. HILL (Interrupting): That is the principal point I oppose.

Mr. ELKUS: And you yourself came very nearly up to us by agreeing that no cellar bakery should be permitted in the future unless the plans for that bakery be approved by some competent authority and that that competent authority have the veto power?

Mr. HILL: I will concede that, yes, sir. That is my position exactly. Now, I have another matter here which I wish to present, unless their counsel is present. I am not sure whether he is or not.

Is Mr. Rabenold here? If he is not here, and evidently he is not, I would like to submit here a brief.*

Mr. ELKUS: I want to call your attention to No. — Columbus avenue, do you know that bake shop?

* Brief referred to is set forth in Appendix X to the Report. (Volume II.)

Mr. HILL: I know the place, but I have never been in that place.

Mr. ELKUS: Caters to fine trade. Our report says: "That the floors and racks, shelves and water closet apartment are dirty."

Mr. HILL: Mr. Elkus, may I say, if those conditions obtain it is the fault of the department inspecting.

Mr. ELKUS: I will say, Mr. Hill, that you are eminently fair; you are one of the fairest men that has come before this Commission, and you have presented a very comprehensive and very clear view of the situation, and you have met the Commission in that real spirit in which it ought to be met, instead of taking a merely hostile attitude, and saying I don't want what you want because I don't want it; you have been fair about the subject, and that is why I call your attention to these things. I do not think there is anything else. I am much obliged to you, and I want to thank you for what you have done.

Does any other representative of the Bakers' Association or any other baker desire to be heard?

(No response.)

Are there any members of the Bakers' Union here who desire to be heard?

(No response.)

JOHN J. SULLIVAN, being duly sworn, testified as follows:

Direct examination by Mr. ELKUS:

Q. Mr. Sullivan, what is your business? A. For the moment I am the chief inspector for the State Factory Commission.

Q. Before you were employed by the Factory Commission, what experience had you had as an inspector? A. I had twenty years' experience as a sanitary inspector in the Department of Health of the city of New York.

Q. And you have been chief inspector for the past year or more for the Factory Investigating Commission, this Commission? A. Yes, sir.

Q. And at the request of the Commission did you make an inspection of bakeries in the city of New York during the last week or ten days? A. Yes, sir.

Q. Cellar bakeries? A. Yes, sir.

Q. Did you examine them in all the boroughs of the city? A. Yes, sir.

Q. How many bakeries did you yourself examine A. A total of sixty-four.

Q. And in each case did you make an examination such as you were accustomed to make when you were inspector in the Health Department? A. I did.

Q. Now, without giving the names of any proprietors, but giving the address of the places of business, state what you found in your investigations. Before you do that I want to ask you, were you given any list of bakeries, or did you just go around haphazard? A. Just haphazard.

Q. You took some in Staten Island? A. Yes, sir.

Q. Some in Manhattan? A. Yes, sir.

Q. Some in Brooklyn? A. Yes, sir.

Q. Some in the Bronx? A. Yes, sir; and some in Queens.

Q. You simply walked around and tried to get as many different kinds of bakeries as you could find? A. Yes, sir.

Q. Now, don't give any names, but give the number and tell what you found? A. Fifty-six were located in cellars and one was located in a subcellar. The ceilings of all these cellar bakeries were very near or below the level of the sidewalk. Of the cellar bakeries the ventilation of 29 was bad; 23 fair, and 4 good. Fourteen of the shops were extremely filthy, 17 dirty, 9 fairly good, and 2 excellent.

Q. Well now, you have used the words "extremely filthy, filthy and dirty." Tell us what you mean by that classification? A. I mean by extremely filthy that the entire floor, the entire woodwork, the shelves and racks, the areas, the utensils, the space around the sinks, the windows, the water closets departments, were absolutely grimy and filthy, and the floors were encrusted thickly, thickly encrusted with drippings and fat, oil, dough, syrup and fillings and street dirt.

Q. How about odors? A. The odors in two or three of the places were simply vile.

Q. Now, you take the next class; you defined that as "filthy." What do you mean by that? A. I mean by that that the filth was

not as extreme as the other, that only some portions — for instance the shelves were grimy and dirty and the floor was not so heavily encrusted.

Q. Now, take the next case, "dirty" ? A. Well, the ashes were scattered around and paper littered around.

Q. That is, that place where they make the bread or make the pies ? A. Yes, right in the bake shop.

Q. Now, go right on with your report ? A. (Reading.) "The common method of ventilation in most of the cellar shops is by means of small windows which open to gratings level with the yard or street. This is a very bad method as it permits large quantities of dust to enter the cellar and settle on the food. In other cases the only ventilation is secured by means of lowered openings in the front and rear doors. With the exception of four or five places, I found all means of ventilation closed although the weather was not particularly cold. These conditions would seem to necessitate some other means of ventilation besides windows and louvered ventilators.

The practice of sifting ashes in the bake shops where coal is used for fuel is common, the dust spreading all over the food and utensils.

In only a few cases is running hot water provided. Therefore, the proper cleansing of the utensils, floors and woodwork is almost out of the question. The use of gas for light, cooking crullers and heating water is general, adding to the heat and vitiating the air of the shop. As a rule the facilities for washing utensils are inadequate, one sink about 16 x 24 inches with running cold water is the usual provision. As many of the metal mixing pans are nearly 3 feet in diameter they cannot be properly cleaned in sinks so small. The practice of whitewashing the ceilings is bad, as the lime flakes and falls down into the food.

Mr. ELKUS: Would any of you gentlemen like to ask Mr. Sullivan any questions ?

Cross-examination by Mr. CHARLES W. EIDT, 873 Sixth avenue.

Q. How long did it take you to make this inspection ? A. Five days.

Q. And you inspected fifty-six bakeries in all the boroughs? A. Sixty-four.

Q. In all the boroughs? A. Yes, sir.

Q. How many hours a day did you work? A. From nine until five, continuously.

Q. From nine until five? A. Yes, sir.

Q. Any meal hour out of that? A. No, I stopped and had a glass of milk and a few crullers in one place.

Q. Isn't it a fact that when you examined these places the bakers were working? A. Not in all cases.

Q. In how many? A. I should say perhaps in half a dozen where they were not working.

Q. Half a dozen where they were not working? A. Yes, sir.

Q. The rest were working? A. Yes, sir.

Q. Then consequently they had not cleaned up the shop for the day? A. No, they had not cleaned up the shop at all — apparently not in years in most of the places.

Q. Then certainly there ought to be some allowance made for the condition of paper and egg shells and vegetable matter? A. I think not in all bake shops. I have been in bake shops where you would not find a speck of dirt in the entire shop either on the floor or on the shelves or on the utensils or on the dough box every time you go there.

Q. During working hours? A. Yes, sir; any hour.

Q. Now, you are referring to the new bakeries, are you not? A. No, I am not. I know a bake shop that has been in existence a great many years, I mention it in my report, a sub-cellar, where it is absolutely clean pretty near all the time.

Q. Now, you mentioned one case there where you found objectionable vegetable matter in a wooden barrel? A. Yes.

Q. What was that vegetable matter? Were those apple peelings? A. Apple peelings, egg shells, drippings — well, I did not analyze the contents.

Q. I was just going to ask if you are a chemist? A. No.

Q. Then you don't know what you found on the floors there except that it was there? A. Oh, yes; dirt.

Q. But you made a statement that it was oil and fat and grease

and dough and everything else. Of course those are ingredients that are used in the business? A. Exactly.

Q. And of course you assumed all those things were on the floor? A. I didn't assume it; I know it; I scraped it off.

By Commissioner DREIER:

Q. How many of these bake shops in your opinion should be closed, if you were a sanitary inspector? A. The one on Lenox avenue I think ought to be closed, and the one in the Bronx ought to be closed. There is one down in Roosevelt street that ought to be closed.

Q. How would you make the others clean? A. Scrub them with soap and water.

By Mr. HILL:

Q. Will you read the statement you made in regard to one bakery in a sub-cellar which was clean, is that correct? A. Yes, sir.

Q. You found one bakery in a sub-cellar that was clean? A. Yes, sir; that is the only one out of the entire bunch.

Q. Where is that sub-cellar? A. — Broadway.

Q. Is that a tenement house? A. No, sir; a business building; they do an immense business.

Q. That is a restaurant, isn't it? A. A restaurant and bakery, yes, sir.

By Mr. MAX STRASSER:

Q. You say that place is clean? A. Yes, sir.

Mr. STRASSER: May I make a statement? I wanted to buy the place, within a month, and I would not buy it because of the filthy condition.

The WITNESS: That would surprise me.

Mr. ELKUS: Did you say that you would not buy it?

Mr. STRASSER: Absolutely. It was the filthiest place I have seen in months, stock all over the floor. They haven't got a coal pail there, the coal is stored all over the floor, two or three or five tons, right in the middle of the shop.

Mr. ELKUS: You think that cellar bakery ought not to be in existence?

Mr. STRASSER: Not if it is in that condition.

HON. JOHN WILLIAMS, Commissioner of Labor, then addressed the Commission as follows:

Mr. ELKUS: Do you want to take up the bakery bill now, or do you want to take up a number of bills together? What would you like to do?

Commissioner WILLIAMS: Well, it might be advisable, perhaps, to discuss the Bakery Bill while that subject is fresh in our minds.

I am not entirely clear as to the effect of the proposed amendment beginning on line 10 on page 1 and continuing to the end of page 2. (Reading.) "Section 111. Definitions. All buildings, or rooms, or places except kitchens in hotels and private residences, used or occupied for the purpose of making, or baking bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni or spaghetti, to be sold or consumed on or off the premises, except in kitchens in hotels and private residences wherein such products are prepared to be used and are used exclusively on the premises shall for the purposes of this act be deemed bakeries. The commissioner of labor shall have the same powers with respect to the machinery, safety devices and sanitary conditions in hotel bakeries that he has with respect thereto in bakeries as defined by this chapter. The term cellar when used in this article shall mean a room or part of a building which is more than one-half of its height below the level of the curb or ground adjoining the building (excluding areaways). The term baker as used in this article shall be construed to mean the owner or owners of the freehold of the premises, or the lessee or joint lessee of the whole thereof, or his, her or their agent in charge of the property. The term occupier shall be construed to mean the person, firm or corporation in actual possession of the premises, who either makes, prepares or bakes any of the articles mentioned in this section, or hires or employs others to do it for him. Bakeries are factories within the

meaning of this chapter, and subject to all the provisions of article six hereof."

I suppose kitchens in hotels and private residences wherein such products are prepared to be used and are used exclusively on the premises —

The CHAIRMAN: That is, they are not sold outside?

Commissioner WILLIAMS: I beg your pardon?

Mr. ELKUS: They are not sold for consumption outside?

Commissioner WILLIAMS: Yes, but I find here, in the next clause, "The Commissioner of Labor shall have the same powers with respect to the machinery safety devices and sanitary conditions in hotel bakeries that he has with respect to machinery in bakeries as defined by this chapter."

Mr. ELKUS: I see.

Commissioner WILLIAMS: Now, the hotel proprietor, if he wishes to exclude the inspectors of the Department of Labor, can simply claim that his bakery was a part of his kitchen.

Mr. ELKUS: No, he would have to show it. You could show that he did not sell his products outside, but it was for consumption on the premises.

Commissioner WILLIAMS: Well, the assumption is that a hotel bakery does not sell the product except to be used in its restaurant.

Mr. ELKUS: I see. Well, what is your suggestion about that?

Commissioner WILLIAMS: Frankly, I don't see that the amendment strengthens the statute in any particular. And is therefore, in my judgment, unnecessary. I assume there is no objection, Mr. Elkus, to my discussing some of the features of the bill in the light of criticism.

Mr. ELKUS: No. That is why I called you last, Commissioner.

Commissioner WILLIAMS: I have been somewhat impressed by the unanimity of opinions expressed here to-day, especially by

those who have been called who either are connected now or in the past have been connected with the administration of municipal government. The proposition is that it would be advisable to vest sole jurisdiction over sanitary conditions in bakeries in Greater New York in the local health department. I want to state at the outset that I do not take exception to that view because it means taking away from the Department of Labor any of the burdens that now rest upon it. If I were to consider the individual comfort of the Commissioner of Labor, I should welcome such a suggestion. But it occurs to me that there are some features of the work that devolve now upon the Department of Labor which could not very properly be delegated to a department which is charged with the enforcement of sanitary provisions of the law or of a sanitary code purely and simply.

Every provision of the Factory Law applies with equal force to a bakery or a food factory, as we might call it, in precisely the same manner as it applies to other factories. And in the course of reasoning, that has been followed here to-day by those who have advocated this change, because the Board of Health inspects for sanitary purposes and is clothed with authority with respect to sanitary questions that arise in factories, if that course of reasoning is followed concerning bakeries, I fail to see that it does not apply with equal force to every manufacturing establishment in the city, or in the State, where, so far as sanitation is concerned, there can be no question as to the authority of the Department of Health.

MR. SHIENTAG: But the questions of sanitation and purity of the food products are so closely related in the case of bakeries; I think that is the point that Commissioner Lederle made.

Commissioner WILLIAMS: No more closely related in bakeries than in confectionery or candy manufacturing establishments.

MR. ELKUS: Well, would not it eventually lead to that? It would take in all those places where food is manufactured?

Commissioner WILLIAMS: Of course, that is a suggestion that I want to bring to the attention of the Commission, as to where it might ultimately lead to.

Moreover, I think the Commission should bear in mind the variety of provisions that we have to enforce.

The Department of Labor now not only has jurisdiction in bakeries but in other establishments — a great number of establishments. The Department of Health, its function is to enforce the provisions of the Sanitary Code. The Department of Labor is charged with the duty of enforcing the regulation as to hours of employment, hours of labor, and the employment of children, the safeguarding of machinery, ventilation and several other provisions which are contained in the Labor Law to-day. It is unnecessary for me now to refer to them in detail. It would mean the extension of the functions of the Department of Health. That would require the employment of men in that service with special qualifications to inspect for safety and give advice regarding the safeguarding of machinery, a function which, it seems to me, properly belongs to the Department of Labor.

Then, another thing, I think, should be considered, the inadvisability of a variety of standards regulating or governing conditions in manufacturing establishments. I think that one of the most important things.

MR. ELKUS: Well, you do not consider a bakery a manufacturing establishment, do you?

Commissioner WILLIAMS: I think, decidedly, it is a factory.

MR. ELKUS: I know, but it hasn't very much machinery?

Commissioner WILLIAMS: Well, I have to differ there. Some bakeries in this city have considerable machinery, and if you note that section 111 defines the bakery "A shop where they bake bread, biscuits, pastry, cakes, doughnuts, crullers, macaroni or spaghetti, and noodles." Of course, the suggestion has been made here to-day that it would be advisable, perhaps, to transfer the jurisdiction over bakeries to the Department of Health, not only in Greater New York, but in other cities in the State. If that is done, I wish to emphasize the point that there may be serious danger of different standards obtaining in different communities and in different parts of the State, a condition that will be undesirable, to say the least, in my opinion. Much has been said here to-day re-

garding the unpleasantness caused by the duplication of work — rather unpleasant to the proprietor to have two different sets of inspectors come to visit the establishment. As a matter of fact, to transfer the authority from the Department of Labor to the Department of Health will not alter the situation to any extent, for the tenement house department in all the bakeries that are situated in basements or cellars of tenement houses will have more jurisdiction as regarding certain things than can the other departments of the city. The Bureau of Fire Prevention also will have jurisdiction, and the establishments will be subject to inspection by several different departments, irrespective of whether this change is carried into effect or not.

Then again, unless at the same time the power is given and the obligation is placed upon the Department of Health to inspect bakeries for the purpose of enforcing every provision of the Labor Law applicable thereto the Department of Labor still will have to inspect, and I fail to see that anything will be gained.

I am positively in favor of the provision to be found on page 4, section 113-a, providing for the examination of bakers, and I disagree with those who seem to lay emphasis upon the point that the bakers should be examined by physicians of their own selection. I am free to confess, that in my opinion, the convenience of the journeyman baker should not be considered to too great an extent, for the purpose of the examination is to protect the consumer of the bread or the pastry or whatever may be produced in the establishment, and individual convenience should not do away with the interest of the public.

Something has been said here regarding the provision on page 7, section 114-a, regarding the licensing of bakeries. If I were required to express a choice as between licensing the bakers or the granting of a certificate upon inspection, I should unhesitatingly decide in favor of licensing. And I am in favor of a provision under which the authority granting the license may, if necessary, revoke it. I fear very much the idea of a certificate because a certificate might be very properly granted to-day and owing to the very nature of the business, conditions in a week or two might so change as to bring upon the head of the official granting a certificate condemnation whether merited or not. You will under-

stand that very frequently a public official receives unmerited condemnation.

I think I have answered the two questions.

Mr. ELKUS: Yes, I think you have, Commissioner. Have you brought with you the report asked for as to the inspections of bake shops by your Department?

Commissioner WILLIAMS: I have.

Mr. ELKUS: How many factories did you inspect?

Commissioner WILLIAMS: Well, I only have for a given period within the last year.

Mr. ELKUS: Will you give me the period you have?

Commissioner WILLIAMS: From the period requested by you in your communication you requested to be informed as to the number inspected from May 1st to October 31st, 1912.

Mr. ELKUS: Six months.

Commissioner WILLIAMS: For the convenience of the Department rather than the Commission, I have this information separated. We can easily get that in.

From May 1st to September 30, 1912, in the Boroughs of Manhattan, Bronx and Brooklyn, 1,264 bakeries were inspected, and in addition 436 other bakeries were visited that had been inspected previously during the fiscal year, making a total of 1,700 in that period.

Since the 1st of October, or rather, during the month of October, 31 bakeries were inspected in the city. You also requested information as to the number of orders issued as the result of those inspections. A total of 2,729 orders to remedy conditions were issued.

Mr. ELKUS: That is, two for every bakery you examined?

Commissioner WILLIAMS: About, not quite two. In addition to that there were 1,105 orders relating to administration that were orders.

Mr. ELKUS: How many bakeries did you order sealed, closed up?

Commissioner WILLIAMS: In that period?

Mr. ELKUS: Yes, sir.

Commissioner WILLIAMS: Sixty-one — had the notices posted on the outside of the entrance door, and at the expiration of 48 hours, or at any rate before they were visited to know the result of the posting of the notices, all but 9 had cleaned up — 9 only were actually sealed, and the process of manufacture stopped.

Mr. ELKUS: About how often is a bakery inspected, a given bakery inspected?

Commissioner WILLIAMS: Well, it depends rather upon the character of the place, of course, that we inspect.

Mr. ELKUS: Well, about once a year, is the average inspection?

Commissioner WILLIAMS: At least once a year. Some are inspected more frequently. I have made no particular examination of our records in order to answer fully the question.

Mr. ELKUS: How many of those bakeries you inspected were cellar bakeries?

Commissioner WILLIAMS: That I could not tell you now, because I have not taken account of that fact in examining the records.

Mr. ELKUS: Do you believe the cellar bakeries should be prohibited in the future?

Commissioner WILLIAMS: I believe that the ideal condition can be established and better maintained if cellar bakeries were eliminated. On the other hand, I think it is but fair to say in my opinion bakeries that are maintained in cellars, provided they are not too low and provided that the percentage of the cellar below ground is not too great, can be maintained in a satisfactory condition, both as to cleanliness and as to ventilation. But I think that in connection with this matter of ventilation, this point should be emphasized: It is important that the point of intake for the fresh air should be located as to avoid drawing into the bakery the street dust.

Mr. ELKUS: Is there anything further, Commissioner, you would like to advise us about in reference to this particular matter?

Commissioner WILLIAMS: I do not think there is as to this particular bill.

Mr. ELKUS: Well, then, we will take up the other bills as we take up the subjects, and we will be very glad to hear from you. And I want to note at this time that we greatly appreciate your great assistance to this Commission and your unvarying courtesy and help, and I am very glad to say of how much assistance you have been to the Commission.

Commissioner WILLIAMS: May I say that I was in hopes, Mr. Elkus, that sometime during these hearings I might give either public or private expression to my views upon the bill or bills relating to the organization of the Department?

Mr. ELKUS: Yes, sir. I will be very glad to hear you, but we have got all these gentlemen here, and if you will be here the first thing in the morning, we will be very glad to take that up.

Commissioner WILLIAMS: I am quite sure that I can be, but if I cannot perhaps —

Mr. ELKUS: Well, we will take it up some other time to-morrow. That would be a subject that would take some time, and I want to take it up at length with you.

Commissioner WILLIAMS: If I am unable to be here the first thing to-morrow morning I shall not be able to be here at all.

Mr. ELKUS: Well, then, we will take it up on Thursday. Now, Mr. Chairman, the subject under consideration, we now pass from the bakeries — is legislation providing for one day's rest in seven, not necessarily the seventh day, but one day in seven, and we have a great many who desire to be heard upon that subject.

May I ask again if anybody desires to be heard upon the bakery question either pro or con? If not, the first is Mr. Fitch.

JOHN A. FITCH, 105 East 22d street, representing the American Association for Labor Legislation, then addressed the Commission as follows:

I am chairman of a committee on one day of rest in seven. That committee was organized a year ago for the purpose of finding out whether it was necessary to supplement the present Sunday Rest Law, and what the situation is in the country with regard to seven days' labor, and whether any bill could be proposed that would afford relief.

I want to make a point that this is a very simple proposition. It is not a religious question. It is not a question of controversy between manufacturer and employee. It is a simple question of humanity. Now, I say that it is not a religious question because I want to make clear the distinction between this bill and the Sunday bill. As evidence that it is not a religious question, I want to call your attention to the fact that we have Jews and Christians and atheists supporting it. It is not a religious question because it is the simple proposition that every workman ought to have a day of rest every week. The bill that we hope may be enacted into the law — I am not referring to any particular bill — but the relief that we hope will be afforded is not designed to have anything to do with the question of Sabbath observance. It is not a Sabbath question. On the other hand we are not proposing that a bill be enacted that will repeal the Sunday laws or have anything to do with them excepting that possibly it may supplement them — in fact we think it will supplement the Sunday laws in so far as they are rest day laws. It is not a controversy or question between employer and labor, because fair minded employers adopt pretty nearly everywhere this principle of one day of rest in seven. It is a humanitarian proposition, and they think that such a thing should be allowed. As a matter of fact there are a great many employers in continuous industries that now provide exactly the same relief we hope may be required by law. The American Telephone and Telegraph Company gives one day of rest in seven to its employees. It has to employ people on Sunday. When it does that it gives them a day of rest during the week. The United States Steel Corporation has adopted the plan of one day of rest in seven. It has to employ men on Sunday in the furnaces. This process is continuous in itself.

The Lackawanna Steel Company of Buffalo, New York, I suppose one of the largest, or perhaps the largest — no, it is not the largest, but one of the largest employers of labor in the manufacturing industries in this State, has adopted the same principle of one day of rest in seven.

So, I think it is pretty clear it is a humanitarian proposition.

Now, I want to point that out as a broad instance of that principle of one day rest in seven, because the Sunday laws are broken down. My attention was first called to this some years ago when I was in Pittsburgh. I lived there for about a year and investigated conditions in the steel mills of the Pittsburgh district. I found a tremendous lot of seven day labor. I went over the field and was very much impressed one day by reading in the paper about a man who was arrested on account of having been caught building a chicken coop on Sunday, and he was brought before the court and the court issued a very solemn warning and told him he would be released at this time, but warned him not to repeat such an offense. At the same time there were about seventeen hundred workmen working seven days a week in the steel mills and no one was arresting them. At that same time the Sunday Rest Association of Allegheny county took the matter up and became quite active and circulated petitions and got a great many people to sign them and presented these petitions to the superintendents of the steel mills and asked them to reduce Sunday labor to a minimum. That was a mighty good move. As a result of it Sunday labor was reduced, but the superintendent could do nothing about the continuous processes where men had to work seven days a week, in the blast furnaces and such things, and in spite of the Sunday Rest Association, thousands of men continued to work seven days a week and twelve hours a day.

At the time I was in Buffalo another similar condition prevailed. I was in Lackawanna one Saturday afternoon talking to men who worked seven days a week. I got back rather late. It is muddy out in Allegheny and my shoes were dirty. It was late when I got back and I was tired, and I went right to bed and did not have my shoes shined that night. Sunday morning I went out and wanted to get my shoes shined. I was told that one day's rest in seven applied to boot-blacks. But I did want my shoes

shined that morning and I could not find a boot-black, and was informed that they had been arrested for working on Sunday, but nobody had arrested these 1,500 or 2,000 men working at Lackawanna, and nobody proposed arresting them. It was a work of necessity at Lackawanna, and the law could not interfere with that, although some of it might have been interfered with, though probably not the blast furnaces.

Well then, we need something to protect these men. The Sunday law evidently cannot do it.

Now, I have not said very much about what the situation is. I think one of the worst features about this matter is the lack of statistical information on the subject. There has been very little investigation made, but after looking the whole field over, I was able to find a good many industries where men have to work seven days a week. You find that in all kinds of transportation and telegraph and telephone communication. In New York State I found seventeen different kinds of manufacturing industries where seven day labor goes on. On personal service you find that in the hotels and restaurants, drug stores, domestic service, barber shops and so on, and there are other places where seven day labor goes on.

As to available figures, the President of the Street Car Men's Union of the United States informs me there are 157,000 trolley men in the United States working seven days a week, although the trolley men's union wherever it can, gets an agreement that there shall be one day of rest in seven. The United States Bureau of Labor found 57,000 men working in that industry, and it did not cover the whole industry.

That probably has been reduced since that voluntary rule of the steel company but still in a great many steel industries no such action has been taken.

In 1907, investigation was made of 222,000 people working seven days a week on necessary manufacturing industries, and if they had counted all factories, I don't know how many more they would have found. In Minnesota the State Bureau of Labor visited and made an investigation and found 98,500 people working seven days a week. Minnesota is principally an agricultural

state, or at least we might call that an agricultural state, yet 6.5 per cent. of the population was working seven days a week. If that same per cent. applies to the people of the United States, and it is pretty fair to assume that it does, since so many other states, and especially the more populous ones are manufacturing states instead of agricultural states, we will have over 4,500,000 people working seven days a week.

It seems to me there is just one other thing that I want to call your attention to, that is, on the figures for New York State. The best figures that were brought to me by the Bureau of Labor Statistics through reports from the labor union secretaries, were that out of 335,814 men reported to the Bureau of Labor Statistics in New York State, 35,742 were working seven days a week. Ten per cent. practically of those union men. Whenever they have an agreement of course, they are opposed to seven days' labor and secure a day of rest. Now, what our association wants to see put upon the statute books is a law that will protect the man as well as the industry. At the present time the industry is pretty well protected because when an industry is continuous they say it is a work of necessity and it comes under the exception in most Sunday laws, and it can go on and it leaves no protection whatever for the man. We want a law that will protect the industry and the man, and the man drawing that law might define what are continuous industries, and provide that those industries may operate seven days a week and then require that in those industries no individual man shall work more than six days.

That that is perfectly feasible has been shown by the fact that such corporations as the Steel Corporation and the American Telephone and Telegraph Company are adopting that same principle.

I don't want to go into the question on the constitutionality of such a law because I am not a lawyer. Yet, because I was interested in this matter, I did study all of the decisions of the courts that I could find with regard to the constitutionality of Sunday laws. I think I covered all of the decisions in the State Supreme courts and the courts of the United States with regard to constitutionality of Sunday laws, from 1811 until 1909. I read 71 State decisions. I found that 53 of them were based upon the police power of the State to care for the welfare of its citizens.

Those decisions said nothing about maintaining the Sabbath as a Christian institution. However desirable that may be, they said nothing about protecting the industry from being obliged to close down one day in the week, but it said that it took the ground that the employee should be so protected — I should like to call your attention to one decision of the New York Court, *People vs. Havnor*, 149 New York, 195. "It is to the interest of the State to have strong robust healthy citizens capable of self-support, of bearing arms, and of adding to the resources of the country. Laws to effect this purpose, by protecting the citizens from overwork and requiring a general day of rest to restore his strength and preserve his health, have an obvious connection with the public welfare. Independent of any question relating to morals or religion, the physical welfare of the citizen is a subject of primary importance to the State, and has such a direct relation to the general good, as to make laws tending to promote that object, proper under the police power, and hence valid under the Constitution, which presupposes its existence, and is to be construed with reference to that fact" (quoting the village of Carthage against Frederick, 122 New York, 268, 273). "The statute under discussion tends to affect this result, because it requires persons engaged in a kind of business that takes many hours each day to refrain from carrying it on during one day in seven." This was a law requiring Sunday rest for barbers. "This affords an opportunity, recurring at regular intervals, for rest needed both by the employer and the employed, and the latter, at least may not have the power to observe a day of rest without the aid of legislation."

I merely call this to your attention, Mr. Chairman, so you may have it in your record with regard to the basis for laws giving workmen a day of rest.

Mr. ELKUS: This proposed statute which I believe was drafted by your association to amend the Labor Law in relation to the labor of more than six days in one week, is that all the law you advocate.

Mr. FITCH: That bill is not in its final form.

Mr. ELKUS: Have you got a bill that is satisfactory to your association, Mr. Fitch?

Mr. FITCH: Not yet.

Mr. ELKUS: Well, when may I have a proposed bill?

Mr. FITCH: I should say in about ten days.

Mr. ELKUS: Is there anything further you would like to say.

Mr. FITCH: No.

Dr. WILLIAM S. CHASE, then addressed the Commission as follows:

I represent the Day of Rest Conference which is made up of representatives of various Sunday associations and various labor organizations interested in preserving a day of rest for those who toil.

I desire to call your attention to the two bills which were submitted by our organization at the last session of the Legislature called the Roosevelt and Jackson bills, which were entitled, "Where Sunday labor is required an equivalent rest day necessary." Those two bills were reported favorably by the Senate Judiciary Committee. The thought of the two bills was to make the Sunday Law apply in principle to all religions and its purpose was to put the enforcement of the law in the Labor Department, in the Commissioner of Labor, and allowed him extra inspectors to see that this additional law was enforced. I think I can give the explanation of the fact which Mr. Fitch has called attention to, that the Sunday laws have very largely failed to reach the laborer and the manufacturers, and that is that the old law was applied to individual laborers, but the corporation and the trust and the large commercial enterprises came into existence and the farce of going into a factory and arresting some of the laborers is so absurd, leaving the men who are the presidents of the organization untouched. People have protested about such miscarriage of justice, and what is required is a new law to meet a new commercial and industrial situation. Now, to show that this is not a local thing, I desire to call your attention to the fact that in this twentieth century we have seen all over the world a manifestation of this same desire that we are giving expression to this afternoon. In Switzerland in 1872 they met this situation by requiring every

commercial enterprise and the railroads to have one day of rest in seven, and seventeen of those rest days in the year must be on Sunday. The railroads protested and felt that they ought to be able to give that rest any time in the week if they wanted to and in 1878 the law was changed and they were allowed to choose that rest day from any day in the week that they wanted, but in 1890 they came back to the original law, and now the law in Switzerland is, that they must have seventeen of their rest days on Sunday. Now, in Austria in 1895 they passed a similar law; in France in 1902 the Parliament with only one dissenting voice, at the request of the labor organization, established such a law. In Spain in 1904, in Argentine Republic in 1905, in Canada in 1906, in Chile in 1907, Italy in 1907, Portugal in 1907. Those are indications that this movement of which I have spoken is widespread, and what Mr. Fitch has said claiming that 10 per cent. of those in the organized industries are working seven days a week, indicates that in unorganized industries that a very much larger percentage of them are working, and I should say it was safe to say that at least 15 per cent. of all laborers are working seven days a week.

Now, these laws that were submitted last year and which have the approval of the Senate Judiciary Committee have been favored by the State Federation of Labor.

Now, as I understand, a group of men who are appearing here this afternoon are going to submit something like this, to the board for their approval, expecting that the Commission will approve of what they submit, but this is the underlying source. "That every man must have one day of rest in seven, and that necessary labor in order to be conducted — that is, a factory which says it must run seven days a week and from necessity has to have Sunday labor, that such organization must come to the Labor Commissioner and get a license, and he must not only get a license for his factory, but get a license for every laborer that he expects to labor for him." Now, if that is true, and if that is done, and it commends itself to you, it seems to me that license ought to have a license fee, that it ought to be limited in time, and that it ought to be revokable upon the violation of the conditions, and that there ought to be an appeal from the decision of the Commissioner of Labor, that is, the factory should come before the Commissioner

of Labor and say we have an industry that must run seven days a week, and it will be then for the commissioner to decide whether his grounds were well taken, and if it was or if it were not, it seems as if his decision ought to be appealed from.

Mr. ELKUS: By whom?

Canon CHASE: By the party affected, that is, by the factory.

Mr. ELKUS: Well, if the factory asked for it.

Canon CHASE: If they ask for it, yes.

Mr. ELKUS: Well, I suppose that you mean in case he decides it ought not to be allowed to work seven days.

Canon CHASE: Yes. If he decides against them, they ought to be able to appeal, and if he decides in favor of them, the people ought to be able to appeal. It might be a commissioner will come in very often different from the one we have now and who might misuse the power, and the people ought to be able to appeal from it.

The advantage I desire to call your attention to is that the administration of the State law is made uniform. You see, if such a law as this were made and the local town organization or local authorities were given authority to grant such licenses, there would be nothing uniform in the administration of the law; but if the whole State were placed under this one control under this scheme, the conditions will be uniform, but this would be an experiment, and if this were proper, perhaps the definition of factory might be changed a trifle from what it is in your present law.

I think I have covered the points I have in mind.

Mr. ELKUS: Thank you very much.

Canon CHASE: United States postal employees of the country have recently, in the last three years, been given their day of rest, and during that time the deficit of the Post Office Department has been done away with. That is since we have applied the day of rest to postal employees, the deficit of \$17,000,000 was done away with.

Mr. ELKUS: Will you guarantee that everybody's deficit will be done away with?

CANNON CHASE: I will introduce you to Dr. Grannis, who was largely instrumental in doing this, and who did say to the post-master general if he did do that, the deficit would be done away with.

Miss ELIZABETH DUTCHER, of the Women's Trade Union League, then addressed the Commission as follows:

I am not able to represent any organization here this afternoon, but I speak as a member of the Trade Union League. The speaker who preceded me said it was a matter of common knowledge that workers were working seven days in a week in the smaller shops in the State. I think it is not a matter of common knowledge that women are working in the department stores, in many instances, through several months in the year, through several weeks in two or three months, seven days in the week. In my work in the Women's Trade Union League I have had an opportunity to come in constant contact with the working women and among those were the department store women, and though I have not gone exhaustively into the subject, I know at the present time of two department stores in New York city where this is a common practice. This work, of course, is not selling over the counter, but stock taking, putting stock away and clerical work, and in the matter of stock taking and putting stock in order, and in the manufacturing department, and in moving departments from one part of the store to another, such work is very laborious, perhaps more so than the ordinary work done by the department store worker. What is more, in some instances, this work is entirely unpaid for. There is absolutely no extra pay given for the work. Another instance I know of girls working all day Sunday for extra payment of fifty cents. In one instance where the girls worked three months in the mail order department for seven days in the week, they did it because they expected they would receive a bonus at the end of that time, but they were disappointed; no such bonus was received.

What is more, the girls who worked those hours are fined if they are a minute late the next morning; they are required to be on hand the next morning at a quarter past eight, and if not, even if they have worked until one o'clock the night before, and very frequently the times at which this Sunday work is required

are just the times of the year when the girls are working overtime anyway, the month of December and the month of January and the month of February, when the girls are working overtime in stock taking, and that this work must be very laborious. Any one who has witnessed, say, the moving of one department, like the china department, to another part of the store, will testify, and I have known of several instances of girls who have broken down after such work.

Commissioner DREIER: Do you know of any other trades where the women work overtime?

Miss DUTCHER: Yes, I have known of it in the shirtwaist trade, girls work on Sunday, seven days a week, and besides that working three or four or more nights overtime as well. That is during the rush season. I have heard that statement from the girls who have done it.

Mr. PAUL KENNADAY then addressed the Commission as follows:

I want to express the wish that this Commission will not wait until the facts are gathered before proposing legislation. Mr. Fitch has given you about all the facts that we have. We all know that there is a considerable amount of seven day labor. How much we have we actually don't know, but we have a pretty accurate idea of how much union labor there is, but as to the unorganized we don't know. We simply wish to have a law enacted that will prohibit seven days of labor, and if there is any, that will prohibit it, or if there is not, it won't do any harm. We know as a matter of fact there is a considerable amount of it done.

We have drafted various tentative bills. We have drafted one which has been submitted to a number of the counsel of the commission, proposing licenses. That seems to us the most effective way of enforcing the law. We may be wrong about that, and I would suggest that if a committee from our association which has been interested in this matter can have a hearing and have an opportunity to meet the counsel of this Commission, or advisory counsel that you may have, and work the thing out that can be done very easily.

Mr. ELKUS: We will arrange for that conference.

Mr. KENNADAY: I wish to say while submitting the draft to you, if you wish, we will do so, but we would rather do it the other way.

Mr. ELKUS: I suggest that you submit the draft and then we will have a conference.

Mr. KENNADAY: That would be very acceptable. I wish to say just one word, and that is that this thing, as you know, has long been fought for by organized labor. I don't know whether any representative of organized labor is here or not to-day, but the State Federation of Labor and the A. F. of L. have both passed resolutions this year, and for some years past, in favor of this. I am not in a position to say whether they would favor an act limited expressly to factories. I think though as an entering wedge, as it were, it would be best to limit the act this year to factories and not include transportation companies where, as we find, lots of the men themselves are opposed to a seven day act.

Mr. T. R. SYLVAN, of the American Telephone and Telegraph Company, then addressed the Commission as follows:

Mr. ELKUS: What is your position with that company, Mr. Sylvan?

Mr. SYLVAN: Assistant to the vice-president.

Mr. ELKUS: How long have you been with them?

Mr. SYLVAN: Fifteen years.

Mr. ELKUS: How many employees have you?

Mr. SYLVAN: Well, with the affiliated companies we have over 200,000.

Mr. ELKUS: Throughout the United States?

Mr. SYLVAN: Yes, sir.

Mr. ELKUS: And of course the work of the telephone company requires continuous service?

Mr. SYLVAN: Yes, sir.

Mr. ELKUS: Have you adopted the one day in seven rule?

Mr. SYLVAN: We have.

Mr. ELKUS: Now, will you tell us all about it, how it works and why you adopted it and what has been the practical result?

Mr. SYLVAN: The company, of course, is anxious to give all its employees the seventh day or Sunday, but that is manifestly impossible, and as a substitute, those who are required to work on Sunday are given another day in lieu thereof, although the efforts are made to give as many Sundays as possible, the work being so changed that the Sunday work will not fall upon the same girls each week. We have found the plan to work excellently and resulted in our employees being satisfied and being much better able to do their work. And as far as we are concerned we are in entire sympathy with the requirements. I don't know that there is anything else that we can say.

Mr. ELKUS: You have not adopted this for any religious reason?

Mr. SYLVAN: No, sir.

Mr. ELKUS: Simply because you found it very economical?

Mr. SYLVAN: From an economical standpoint, to get the proper work from your employees you must give them the proper rest.

Commissioner DREIER: You have gotten more efficient service?

Mr. SYLVAN: Yes, much more efficient service.

Mr. ELKUS: Thank you very much, Mr. Sylvan.

REV. GEORGE W. GRANNIS, General Secretary of the Lord's Day Alliance of the United States, 203 Broadway, New York, addressed the Commission as follows:

Dr. GRANNIS: Mr. Fitch alluded to the rest day movement in regard to the steel mills of Allegany county. I happened to be at the beginning of that movement, and it is very gratifying to know of the efforts of the United States Steel Corporation to reduce the seven day a week service and the twenty-four hour day and that it has resulted not only in profit to the men but to the corporation itself.

I would like to call attention to the fact that at the beginning of that agitation there was absolutely no effort made to safeguard human life. No relief was given to the men who were injured or the families of men who were killed, but as a result of the agitation the United States Steel Corporation six years ago began the work of investigating themselves. It may be interesting to you to know the result of that investigation. Now they are expending for relief of men injured or the families of men killed a million dollars a year; for the prevention of accidents \$750,000 a year; for sanitation and relief work of all kinds \$1,250,000 a year; for pensions \$200,000; for the creation of a permanent pension fund, to be completed in thirteen years, \$500,000; the employment of a stock subscription plan \$750,000, making a total of \$5,450,000. Only within the past few days I took it up with the gentleman who has the relief work in charge and I asked him what the outcome was. Why, he said, we are expending this expenditure of over \$5,000,000, we are operating the United States Steel Corporation with better satisfaction and better returns than before. I would like to say this, to you, in answer to the question, "will this relieve all dissension?" I believe it will, just as confidently as I did when I took this matter up for one day of rest in seven with the post office department. Dr. Granville, the First Assistant Postmaster-General, said to me himself, "Don't you know we are facing a deficiency of \$17,600,000?" I said, "That don't enter into the question at all, and I object to your bringing outside matters into the controversy, but if you will deal with justice and mercy toward men and square yourself with God, He himself will see to that. I promise you He will take care of your deficiency." Now, some of my preacher friends say, well, the doctor would give the Lord the credit for the reduction of the deficiency. That is where they are off. Dr. Granville who has dealt with this proposition, said that the largest factor in that gratifying achievement was that the men were doing more and better service in the postal department since given their one day of rest in seven than ever in the history of the department. And it is not only a question of humanity, and I believe that we ought to put the emphasis, great emphasis on humanity, but it is a question of dollars and cents as well, and there is not any question but what this government of ours — there has been some contention that the

government, the general government ought to lead — but certainly a great State like New York ought not to be lagging in the rear rank of this great movement. It is a movement that has been proven to-day, and if it pays the United States, if it pays the government in the postal department, why will it not pay every man in every other industry?

I am not quite so sure that I favor the license idea. I don't know, gentlemen, whether that is wise, to fasten a license on every man for seven days' continuous toil. There are men who are willing to do it, but it is part of our duty to protect men against themselves and to protect men universally against this greed that regards not the life of man either here nor hereafter, and we have to rise above these things and above the interest of the individual and look at the interest of mankind and the interest of the generations to come. I am deeply interested in this problem, I am full of it, and have always a little hesitancy at the touch of the button, lest I exceed the bounds of propriety. I want to say to you gentlemen, I believe it is one of the greatest questions before the American people to-day, and it will go farther to relieve the righteous unrest and discontent that is now altogether too prevalent than any other one thing, and it is well worthy of consideration of this Commonwealth or any Commonwealth in this nation.

MR. SHIENTAG: Thank you very much.

MR. SYLVAN: Might I say, you may be interested to know that the American Telephone and Telegraph Company and those associated with it have set aside a fund of \$10,000,000 available January 1st for a complete system of pensions and insurance for every one — life, accident and also sick insurance, that is, payment during sickness, and for medical attention and also for pensions. This is available for every employee without any contribution whatever for any employee.

DR. WILLIAM P. SWARTZ, representing the New York Sabbath Committee, then addressed the Commission as follows:

There is very little that needs to be said, it seems to me, Mr. Chairman, and members of the Commission, beyond that which has been said already in some form or another. We have got no

form of bill we believe is perfect, therefore, we will not speak to any particular form of bill. But we think that with your legislative skill you will evolve such a bill as will contain all of the good things and eliminate all of the bad things. You know what it ought to be that should be eliminated, and what they are that ought to be included, but there are one or two things I have not named, possibly because they are so very manifest, they are too fundamental, to be considered. We have spoken of the necessity for the health of the man and for his well being, that he should have a day of rest, and I think all of you will see that wherever it is possible it should be granted to him. But our government as a Republic is not built upon individual men merely, but it is built upon families, and this subject lies not in families. You who have come from such families know how much you value the home and mother and the family, and what the presence of the father in the home means. There are very many men who are so employed that they have little or no benefit of their homes, if they have one. I wish your consideration might extend to all those that labor, whether they are in factories or not. I don't know whether you will feel it can go so far, but just now there is a question that has been agitated in some of the papers, some of the people — many of the delicatessen stores, for instance, have transgressed the limitation of the law which requires them to close at ten o'clock on Sunday morning, and they have been keeping open all day on Sunday, until — they are open until 2 o'clock in the morning. The attention of the police department has been directed to this matter and they have been seeking to get some relief for men who have been working from early morning until ten or twelve and 2 o'clock at night and seven days a week. One of the cases that came up was that of a young man who had been employed for three or four months in the place in which he worked. He had not been home during that time. He lived in the Bronx. He was not off duty until 2 o'clock at night and he was too tired to go home and if he did go home his family would be in bed, and he threw himself on a cot in a back room just behind the store and got what sleep he could, sometimes too tired to undress. Well, seven days a week. The time the fleet was here, you probably recall in the papers the case of another young man who was similarly situated, working seven days in a week until after midnight. He

wanted to get off. He wanted to have a little time off that Sunday to see the fleet. Maybe he would have been better regarded in the eyes of the ministers if he had wanted to go to church, and the law stated the place should be closed, and he refused to work, and he was told he would be discharged if he went away. All right, he said, discharge me, but pay me. The employer refused to give the money, and the paper said, in the altercation that followed, the young man shot the employer.

These cases indicate the fact that thousands and thousands are robbed of the privilege and opportunity for that higher development of character which is one of the staple elements of our country and necessary for its existence, by the fact that they don't have their time not only for physical rest, but for the home, for the family ties, for the conditions that surround and make sound and elevate the manhood underlying and making the nation. We ought to give man an opportunity for this and see that he gets it. We can't require men to take it, and yet the prosperity of the nation is not built up on divorces nor old bachelors or old maids, although many of them render valuable services, but the home and the opportunity for a home is more valuable and should be cherished, and those of us who are old bachelors or possibly are not married, should get married, perhaps, and have homes for ourselves. Let us remember that when we prepare the bill, not to be too quick and put in something that will compel any man to sacrifice that which has been preserved for him in the history of the nation until now. For this very essential purpose I think we ought, all of us, to do everything we can to take off from just as many as possible the seven days' yoke, which is worse than the slavery of the south, for God knows they had their rest and family life.

There is nothing further I desire to say.

Dr. GRANNIS: There is just one word as to the result of the accident prevention work of the United States Steel Corporation. Last year it resulted in the saving of 8,000 lives, is not that worth while? Certainly it is worth while, if it means your life or mine.

An adjournment was then taken until December 4th, at 10:30

A. M.

HEARING OF THE STATE FACTORY INVESTIGATING COMMISSION HELD IN THE ROOM OF SPECIAL TERM, PART VII OF THE SUPREME COURT, IN THE COUNTY COURT HOUSE, NEW YORK, DECEMBER 4, 1912, AT 10:30 A. M.

NEW YORK, *December 4, 1912.*

MR. ELKUS: Mr. Chairman, the matter before the Commission for consideration to-day is what are called the Fire Prevention Bills. We have invited a large number of gentlemen who are interested on both sides of the proposition, so that we may have a full and fair discussion of the proposed bills.

I may repeat, as I have said before, that these proposed bills are not recommended by the Commission, as yet, nor are any bills recommended by them. The bills embody suggestions which have been made to the Commission, and which have been put in the form of bills, that they might more readily be disposed of, and each part may be taken up and criticised. I may say here that of course it is very easy to criticise a bill, or a portion of a bill, or proposed bill. We want criticism, but we also want constructive suggestions. We would like, if some one says this provision of the bill, or that provision of the bill, is too drastic or not drastic enough, or not severe enough, or does not cover the subject, we would like to have suggestions as to what they think will cover the subject.

The first witness to-day will be Commissioner Williams of the Labor Department. Commissioner Williams, Mr. Chairman is going to discuss re-organization of the Labor Department Bill, and at this time he will not discuss the Fire Prevention Bills, but will either discuss them later, or submit a written memorandum.*

Hon. JOHN WILLIAMS, Commissioner of Labor, called.

Referring to bill No. 6, first of all I wish to say Mr. Chairman, that I think it would be advisable if it were possible, to take the Department of Labor entirely out of the realm of practical politics, so called. When I say this, I think it may fairly be assumed that what I have to say will not be construed as having any

* The tentative bills referred to in the course of this hearing will be found at the end of the volume.

bearing on my own personal interests. I believe that this can be accomplished if a slight change is made in the proposed bill by striking out, on page 2, beginning on line 1, all after the word "senate," and continuing to the period on line 3. If this suggestion was adopted to provide for the appointment of the Commissioner of Labor for an indeterminate term, his period of service would depend entirely upon his efficiency in the service.

The Chairman.—That is the point where it says "with consent of the Senate."

Mr. WILLIAMS: No; the period after the word "senate."

The CHAIRMAN: Then you would make it at the pleasure of the governor?

Mr. WILLIAMS: No; the Commissioner of Labor would serve for an indeterminate term, or would serve until removed under the provisions of the public officers law.

The CHAIRMAN: Yes; you are right.

Mr. WILLIAMS: The only concern that the Commissioner of Labor then would have would be a proper and efficient administration of the affairs of the department and the enforcement of the law.

I am inclined to disagree with the suggestion made on line 4, page 2, as to the amount of salary to be paid to the Commissioner of Labor. It is not that I feel \$15,000 is too much to be paid to an efficient commissioner, but it is because I feel that in those matters, there should be a due sense of proportion. The Governor of the State receives \$10,000; the Attorney-General receives \$10,000. It does not strike me as just the right thing to propose to pay \$15,000 to the Commissioner of Labor under such circumstances

The CHAIRMAN: I quite agree with you there; but the Public Service Commissioners get \$15,000. I feel that the Labor Department is quite as important, if not more so, than the Public Service Commission.

Mr. WILLIAMS: I should not be inclined to take exception to that view. I think it is important in that it renders service that is of vital human interest.

Mr. ELKUS: I think that suggestion was made, Commissioner, because of the fact that the Public Service Commissioners each received \$15,000 a year, and whoever made the suggestion, thought that the Labor Commissioner was just as important.

Mr. WILLIAMS: I believe, however, that the salary of the Commissioner of Labor should be considerably higher than it is to-day.

Mr. ELKUS: How much?

Mr. WILLIAMS: I think he should receive \$10,000.

Mr. ELKUS: The same as the Attorney-General.

Mr. WILLIAMS: Yes. On line 13, page 2, I note the proposed change to provide for four deputy Commissioners of Labor. I do not think that this is necessary; I believe that two deputy Commissioners —

Mr. ELKUS: Under the redraft of that bill, which I think has been submitted to you, there are to be bureau heads, one or two deputy commissioners, and the rest bureau heads.

Mr. WILLIAMS: Then my comment is unnecessary.

Now, I think that if provision is to be made for two deputy commissioners, the salary of the first deputy commissioner should be not less than \$6,000.

Coming to the provision for bureaus, on page 3, I believe that four bureaus would be sufficient. We now have five. I should favor a provision for four, one the Bureau of Inspection to include all inspection work with such divisions therein as might be necessary. I feel however that it would be well to provide specifically for not less than five divisions, namely, the division of Factory Inspection, the division of Mercantile Inspection, division of Mine, Tunnel and Quarry Inspection, division of Tenement House Inspection and the division of Industrial Hygiene.

In addition to this the law should contain a provision under which the Commissioner of Labor might create or organize such additional divisions as in his judgment might be necessary.

Section 45, again on page 3, I think the title of that Section should be "Offices", rather than "sub-offices." It is my opinion

that there should be but one branch office, and that that should be located here in New York City.

Mr. ELKUS: No other branch office?

Mr. WILLIAMS: No other branch office, but that the Commissioner should be authorized to establish such sub-offices in other cities or sections of the State as in his judgment might prove necessary or advisable from an administrative standpoint. I think it is a mistake to provide, as is done on the last three lines on page 3 that the office of the department in the city of New York shall be in charge of a certain official. I believe that it would be better administrative program to say that the office shall be in charge of such official or employee as the Commissioner of Labor may designate. By that means it would not vest any particular official in the department with any right, any particular right, except as he might be clothed with such right by designation.

Commissioner DREIER: Do you think the Commissioner should appoint somebody permanently?

Mr. WILLIAMS: I think the Commissioner ought to be left entirely free to exercise his judgment. He might find the person first designated did not fit in, and he should be free to make such exchanges or transfers as in his judgment would prove necessary or helpful, until he found a man fitted for the place.

Of course it follows that what I have said means that the provisions on lines 2, 3, 4, 5, 6 and 7 on page 4 should be stricken out. Again, on page 4, section 10, provision as to counsel, I am not sure that it is necessary to specify that the Commissioner of Labor should employ a chief counsel. I think it is sufficient to say he shall employ counsel, who shall be an attorney and counsellor at law of the State of New York.

The CHAIRMAN: Your point is not to have more than one counsel, but simply the word "chief" you object to?

Mr. WILLIAMS: Yes; shall employ counsel.

The CHAIRMAN: If you found your counsel was quite busy, or there was too much work for him to do —

Mr. WILLIAMS: I agree with the provision made later that he should be authorized to employ such assistants as may be necessary.

On lines 19, 20 and 21, I would strike out the matter beginning after the word "brought", on line 19, to the word "suggest" in line 21, and insert in lieu thereof the words "On behalf of the department".

Again on lines 23 and 24 I do not believe it is necessary to say that the headquarters of the counsel shall be in the office of the department in New York City. That is purely an administrative question and the Commissioner of Labor should not be tied down by specific provision in regard to a matter that is purely administrative.

I would suggest that the matter on lines 1, 2 and 3 on page 5 be stricken out; that the sentence on line 3 beginning with "The Commissioner of Labor" at the end of the line, "shall have power to appoint and at pleasure remove attorneys and counsellors-at-law to assist in the performance of legal duties," so that the needs of the service may be amply met, without committing the Commissioner to any particular number of assistants.

Page 5, section 60, I think that this section should be changed to cover the organization of the Bureau of Inspection, and that the words "chief factory" in the title of the section be stricken out, and that the title be made "Inspector General", and wherever the term "Factory", appears before the word "Inspector" thereafter, the word "factory" to be stricken out, so that the section shall clearly refer to the Bureau of Inspection; that the section should then be changed to provide for the divisions which I have already outlined, Division of Factory Inspection, Division of Mercantile Inspection, and the other divisions as I have already stated.

Coming to the division of the territory, I am in sympathy with the suggestion contained in the bill for a division of the territory, for the purpose of factory inspection, into two general districts. I should suggest the following changes on lines 17 and 18 of page 5, that after the word "New York," you insert "Bronx" because we have a county of Bronx.

Mr. ELKUS: You mean we suppose we have?

Mr. WILLIAMS: Well, the presumption is that we have, I think. After the name "Richmond" I would insert "Nassau and Suffolk." So that the territory south of the Westchester county line, including Greater New York and the remainder of Long Island because of its continuity, should be in one inspection district; the remainder of the State to comprise the second district.

I would suggest the following change on lines 20, 21 and 22: Instead of saying "The first deputy Commissioner of Labor shall be the Chief Factory Inspector of the District", I would change it to read "The inspection of factories in the respective districts shall be in charge of the Chief Factory Inspector duly assigned thereto, subject to the supervision and direction of the Inspector General."

Now, I come to what I consider a very important point on lines 24, 25 and 26 on page 5, and running down to line 4 on page 6, "There shall be kept on file in the office of the department in the city of New York all records"—I am opposed to that provision.

Mr. ELKUS: This provision of keeping all records relative to New York City here?

Mr. WILLIAMS: Yes, I am opposed to that provision for very strong administrative reasons. That again, if I may say so, is purely a question of administration, and relying on my experience of almost fourteen years in the service I think it would be a mistake to write this provision into the law.

Mr. ELKUS: What do you suggest about keeping duplicate records here?

Mr. WILLIAMS: There is no objection to that—that is duplicates of such records as in the judgment of the Commissioner of Labor may be helpful to the administration of the law.

Mr. ELKUS: Keeping the original records in Albany?

Mr. WILLIAMS: Yes. I think I might as well state the chief reason for the stand I take. I think it would be a mistake to make these records available for subpoena whenever and under

whatever circumstances any person might feel it desirable that they should be subject to subpoena.

Mr. ELKUS: They are now?

Mr. WILLIAMS: I know they are, but there is this difference, that a subpoena duces tecum served on the Commissioner of Labor in Albany means quite a little additional expense and that expense is a deterrent and it is a very helpful thing to the department from an administrative standpoint.

Mr. ELKUS: Are these subpoenas served for some ulterior purpose?

Mr. WILLIAMS: The fact that they are not served because of the location of the records, rather leads me to the conclusion that if they were here, they would be more frequently served, because we have requests for records so frequently that we turn down and say to the parties requesting them, that they can be obtained only upon service of a subpoena duces tecum.

Mr. ELKUS: If they are entitled to them, why should not they have them, without any more expense than necessary, if they are public records?

Mr. WILLIAMS: There is the point where I beg to differ with counsel. They are not public records, and we have opinions from the Attorney-General to sustain that view, and I think we are sustained in that position by a decision that was rendered in the Appellate Division affecting the records of the Tax Department, and we have relied upon that to save the department from the annoyance of having its records subpoenaed, from having its inspectors drawn from the field to testify in civil actions. We take the ground that the State has not instituted this service for the purpose of providing records to be called upon in civil suits, but rather as a means to protect the men and women and children who are working in our industrial establishments, and to enable persons to subpoena records would divert from the proper course and proper field of labor the energies of our inspectors as well as the records of the department, and I take very strong ground on that point.

The matter has been under discussion between the Commissioner of Labor and the Governor of the State upon several occasions. Appeals have been made over the head of the Commissioner to the Governor of the State, and not in a single instance has the Governor overruled the Commissioner when the case was presented to him just as I have now presented it to the Commission. I feel very strongly that it would be a mistake to write this into the law, because not only would the records be available, but the inspectors, once the records are made available, the names of the inspectors would then become the property of those who may want to subpoena them, and their time and service will be diverted to a Court quite unnecessary.

MR. ELKUS: What do they subpoena these records for, what do they want them for?

MR. WILLIAMS: Invariably in suits for damages.

MR. ELKUS: To show the defective condition of buildings?

MR. WILLIAMS: Yes. Let me add, so that it may be perfectly clear that the department is not taking the position in opposition to the ends of justice. When it appears that an accident has occurred in a factory by reason of which a person has sustained injury, and that accident is the result of a failure of the proprietor to comply with the requirements of the law after the service of an order by our department, then in those circumstances we say that the records are at the disposal of the person who wishes to prove the deliberate neglect of the proprietor of the factory.

I have no further comment on that section except to say that I think it should contain in addition to what is now contained, a specific provision, or specific provisions, regarding the organization of the divisions in the Bureau of Inspection.

On the section relating to the factory inspectors, I have several comments to make; one general comment is that you have, I think provided for too many grades, altogether — more than is necessary.

MR. ELKUS: How many grades are there now?

MR. WILLIAMS: You have eleven grades here. I think that seven grades can cover the entire subject, because my understanding of the intent of the use of the term grade is to determine the comparative importance of the officials in the service according to the salary paid.

MR. ELKUS: The inspectors at the present time begin at what salary?

MR. WILLIAMS: They begin now at grade 1 which however is obsolete — Grade 1 at \$1,000. That is obsolete under provision of the law, so I think it would be well to substitute there, to start in at \$1,200, start in at grade 1, at \$1,200, and change the phraseology so as to fit it with the present organization.

I agree with the provision on line 3, page 7, that there should be not less than 125 persons as factory inspectors.

MR. ELKUS: You have not got enough inspectors now?

MR. WILLIAMS: We have not. I think that fact was very clearly brought out yesterday in the discussion of the condition of bakeries, particularly if the jurisdiction over bakeries is to be continued in the Department of Labor, we shall require a larger force in order to do the work efficiently.

I think I should state very frankly my view on a provision that is contained on line 5. I do not like the words "at least" in the middle of the line.

MR. ELKUS: "At least twenty-five of whom shall be women"?

MR. WILLIAMS: Yes. I think that "not more than twenty-five" would be better. I think it would be unwise —

MR. ELKUS: That would permit you to appoint none?

MR. WILLIAMS: The disposition of the present administration is clearly evidenced by the fact that we have not availed ourselves of the right to go ahead, or get along without any. We have a very substantial number now.

MR. ELKUS: How many women inspectors are there? About five, aren't there?

Mr. WILLIAMS: About three times five. In fact we have more than that. We have all told including the mercantile bureau, about twenty. That would not mean a reduction; that would mean an increase without any doubt. I do not think that the hands of the commissioner should be tied down by saying "not less" than a given number should be of certain group or sex. It might be just as reasonable to say that on the force there shall be not less than ten carpenters, or ten bakers, or ten iron molders or ten metal polishers; peculiar interests are supposed to be covered and protected by the law. That is the ground I take. I am perfectly willing if you wish to change that to say "Not more than thirty" — extend the limit.

Mr. ELKUS: Why say anything about it?

Commissioner DREIER: It has been suggested that we make the number of women inspectors in proportion to the number of women employed in factories, as compared with the number of men, what do you think of that?

Mr. WILLIAMS: I do not think that that suggestion is at all practicable, nor is it sound.

Commissioner PHILLIPS: You would have to reduce the number of women inspectors, would you not?

Mr. WILLIAMS: No, not necessarily. It is not sound for the simple reason that there is absolutely nothing in connection with inspection work that the women can do that a man cannot do. I make that statement without the slightest hesitation. On the other hand, I go farther than that. There are some things that an inspector is required to do that I should not feel justified in calling upon a woman to do. Therefore I say that the suggestion that there should be a proportionate number of women inspectors is not sound.

On line 22, page 7, provision is made for a number of inspectors who are to serve as supervising inspectors ostensibly, and will in fact serve as supervising inspectors; the provision there is that "two of whom shall be women." I disagree entirely with that provision. I think it would be most unwise to tie the Commissioner of Labor down to the employment of women as super-

vising inspectors. I must be frank; I have not seen a woman yet who is qualified to go into a large machine shop and oversee the work of a mechanical inspector, and take up questions that might be in dispute between the employer who understands his business, and the mechanical inspector, and settle such questions as to the practicability of an order to guard a given machine. Until women have served their apprenticeship, and are qualified mechanically to take up such questions and dispose of them, I should be opposed to the suggestion herein contained that a woman should be appointed as a supervising inspector.

Commissioner DREIER: Do you think the fact that one of the men who was appointed as supervising inspector was a janitor — do you think he would be qualified to do that work, just now suggested?

Mr. WILLIAMS: It all depends on his general information and his knowledge of factory problems. I apprehend that a man, even who has served as a janitor, at some time or other may have a knowledge of mechanics.

Commissioner DREIER: Is the work of a supervising inspector all the same kind of work?

Mr. WILLIAMS: It is. A supervising inspector is given a definite territory, and he has inspectors under his direction to make general inspections, so that the problems confronting each supervising inspector are practically the same.

It would be impossible for us to provide for any other division of the work except a territorial division. I am sure it will be accepted that in expressing these views, I do so, feeling that it is my duty to give to the Commission the benefit of my experience and my judgment in regard to these matters.

Regarding the organization of the division of Industrial Hygiene which is covered substantially on page 8, I agree on the whole with the contents of the bill, except that I think that a section should be so drawn so as to provide that there shall be a chief of the division of Industrial Hygiene, rather than a deputy commissioner in charge.

Mr. ELKUS: That is the plan.

Mr. WILLIAMS: In section A I suggest this change: instead of saying that inspectors of the 8th, 9th, 10th, 11th and 12th grades shall constitute the division of industrial hygiene, I suggest that it read the inspectors of the 7th grade.

Coming to the divisions on page 9, I disagree with the idea that the division of industrial hygiene shall have authority to submit to the proposed advisory board any of their conclusions or recommendations. I think that the correct administrative course would be to provide that the chief of the division should be required to submit to the Commissioner of Labor the recommendations of the division of industrial hygiene as to all matters considered by that division so as to provide for an orderly course.

Mr. ELKUS: You see the Commissioner of Labor would be the chairman of the advisory board.

Mr. WILLIAMS: Ex officio, I assume.

Mr. ELKUS: No.

Mr. WILLIAMS: You are changing that?

Mr. ELKUS: Changing that, yes. Making the Commissioner of Labor the active head of the advisory board, so that it practically would be submitted to him, without going through the formality of being submitted to him as Commissioner of Labor.

Mr. WILLIAMS: In that event I would suggest that the provision be made for transmitting it through the chief of the division to the advisory board.

Mr. ELKUS: Yes; that can be done. That is more a matter of form.

Mr. WILLIAMS: I see. Then when you come to line 6 I think it would be well to strike out the word "issue" and provide instead that the division of industrial hygiene shall prepare material —

Mr. ELKUS: And have it issued by the advisory board?

Mr. WILLIAMS: Have it issued by the Commissioner of Labor, to prepare leaflets and bulletins.

Mr. ELKUS: Yes; that can be done. It would all be issued anyhow in the name of the Commissioner of Labor.

Mr. WILLIAMS: Yes.

Mr. ELKUS: I shall be very glad, Commissioner, if you will at your convenience in the next two or three days, submit in writing suggestions, perhaps with some more additions or modifications.

Mr. WILLIAMS: Yes, I can do that, providing I can get the time to prepare them from my other work, which is coming on rather heavily at this time.

On line 22, page 9, I think it might be well to insert the term "technical" before the word "health" so that the section of medical inspection shall have charge of technical inspection of factories, and insert after the word "factories" the words "mercantile establishments."

Mr. ELKUS: Yes.

Mr. WILLIAMS: On line 23, I suggest the word "minors" be stricken out and the word "children" substituted.

The CHAIRMAN: I do not think you have given any definite views on the provision for the advisory board.

Mr. WILLIAMS: That is in a separate bill.

The CHAIRMAN: You are going to refer to that?

Mr. WILLIAMS: Yes.

May I suggest that in subdivision 2, section 62 on page 10, line 14, that the word "special" be stricken out so as to read "any agent or inspector" and that on line 15, the word "deputy" be stricken out to conform to the language of the statute.

In subdivision 3 on line 19, page 10, before the word "made" insert the following "and every person authorized pursuant to subdivision 2 of the section."

Subdivision 5, I have a very decided question mark opposite this. It imposes the duty upon the Commissioner of Labor of observing and enforcing local municipal ordinances, by law, or regulations relating to factories. This is a very heavy additional burden.

Mr. ELKUS: That is the law now, isn't it?

Mr. WILLIAMS: You are making it mandatory.

Mr. ELKUS: Now it is permissive?

Mr. WILLIAMS: Precisely.

Mr. ELKUS: What is the good of a permissive provision?

Mr. WILLIAMS: I am perfectly willing as far as I am concerned.

Commissioner DREIER: Do you think that 125 inspectors are enough?

Mr. WILLIAMS: No.

Commissioner DREIER: How many do you think you should have?

Mr. WILLIAMS: About 250, if this is to be thrust upon us.

Mr. ELKUS: Under the present law, with the subjects you have to do with now, how many do you think should be required?

Mr. WILLIAMS: If we are given 125 field inspectors —

Mr. ELKUS: With clerical help to do their clerical work.

Mr. WILLIAMS: With clerical help on your staff provided for in the law, I think we could cover the work fairly well.

Mr. ELKUS: That would be an addition of forty-five inspectors besides a lot of clerical help?

Mr. WILLIAMS: And heads of bureaus and industrial hygiene.

Mr. ELKUS: Would it not be about a hundred men?

Mr. WILLIAMS: Yes.

Mr. ELKUS: You need about a hundred more people to adequately inspect the work you are now required to do?

Mr. WILLIAM: Substantially.

Mr. ELKUS: That number has only been increased to eighty, has it not, at the last Legislature?

Mr. WILLIAMS: A provision in the appropriation

Mr. ELKUS: It made it possible.

Mr. WILLIAMS: Yes. For about eighty inspectors. Coming to the bill relating to the advisory board.

Mr. ELKUS: This will read "One of whom shall be the Commissioner of Labor, who shall, during his term of office, be chairman of the board." Do you approve of that?

Mr. WILLIAMS: I do; I think he should be.

Mr. ELKUS: Do I make that clear? On lines 9 and 10 "One of whom shall be the Commissioner of Labor, who shall during his term of office be the chairman of the board." I think that is an improvement.

Mr. WILLIAMS: I think it is. With that change, I have not many comments to make upon the bill.

Mr. ELKUS: Do you approve of the principle of the bill; that is the question?

Mr. WILLIAMS: I do, with this comment. In view of the fact that your division of industrial hygiene must, under the terms of the proposal,—that some of the members thereof must be experts in certain lines, I fail to see the necessity for providing that of the advisory board one must be a physician.

Mr. ELKUS: It has been suggested that that board be reduced to five, with no limitations as to their occupations or professions.

Mr. WILLIAMS: I agree with that.

Mr. ELKUS: That the Commissioner of Labor shall be one and there shall be four additional members, the Governor free to appoint anybody he pleases.

Mr. WILLIAMS: I think it might perhaps be well to consider the suggestion that one of the members of the advisory board should be a representative employer, and one a representative working man.

Mr. ELKUS: Yes; I forgot one thing. One should be a woman, one of the five.

MR. WILLIAMS: No objection to that; I think that is entirely proper, because the rights and interests of women should be properly safeguarded.

COMMISSIONER DREIER: May I ask whether you think it is necessary to have a physician?

MR. WILLIAMS: I do not think it is, on the advisory board, in view of the fact you are providing for a medical section, a division of industrial hygiene in the organization of the department.

MR. ELKUS: Is that all about this matter?

MR. WILLIAMS: That is all.

HON. JOSEPH JOHNSON, Fire Commissioner of the city of New York, was then called upon by the Commission.

MR. ELKUS: Commissioner Johnson, you have examined the fire prevention bills under discussion here to-day, and we will be very glad to have your views about that, or any other subjects which are before the Commission for discussion.

MR. JOHNSON: Mr. Chairman, and counsel for the Commission, this is the third time I have appeared before this Commission. I have brought down with me to-day Chief Kenlon, who has been in the fire department for twenty-seven years, and Chief Guerin, who has been in the same department for twenty-one or twenty-two years, and inasmuch as I have expressed general opinion for myself on two other different occasions, in order to save time, they being the technical experts of the fire department, I wish you would question them.

MR. ELKUS: I will do that; I requested you to bring them, or have them here. I am very glad you did because we want their opinions.

MR. JOHNSON: I merely desire to report in a general way what I said before, that is while absolutely sympathizing with the work of this Commission in every particular, my three years' experience in the fire department, although that of a layman impels me to warn the Commission against passing too drastic general legisla-

tion. My theory is that drastic measures can be applied properly to specific individuals, but that an administrative officer is liable to get into trouble under extremely drastic general legislation. I won't go into detail; I will ask you to consider carefully your sprinkler proposition. The idea of compelling everybody under certain conditions, without regarding particular circumstances, to put in sprinklers, is going to bring about a severe hardship upon a large number of people in New York city.

For instance, under the idea of putting sprinklers in every factory having more than seven stories in which 200 persons are employed above the 7th floor, you might order in sprinklers where two persons out of those 200 were employed in one of the floors above the 7th floor, and where those two persons might have this means of exit, but you would instruct, in this legislation the fire commissioners to make that man put in sprinklers.

MR. ELKUS: Commissioner, haven't you misread that bill?

MR. JOHNSON: Well, re-state it. I am willing to be corrected.

MR. ELKUS: Where there are more than 200 people employed above the 7th floor.

MR. JOHNSON: That is what I said.

MR. ELKUS: You said I thought if there were two people?

MR. JOHNSON: No; I said where there are two out of the 200 on one floor.

MR. ELKUS: Your department now orders sprinklers wherever you think it is justified?

MR. JOHNSON: Yes.

MR. ELKUS: That has caused a good deal of complaint.

MR. JOHNSON: We get complaints in the majority of instances.

MR. ELKUS: They claim that your discretion ought not to be exercised in the cases in which you do exercise it, and the complaint is made that there is no standard or rule for it. Now, of course I agree with you and I think the Commission, every member of the Commission does, that we ought not to enact drastic

legislation; but on the one side we are pressed by certain people to enact legislation that is not only drastic, but is more than drastic, which would be almost confiscatory. On the other side, we are asked not to enact anything.

Mr. JOHNSON: Well, I do not ask you to trust the present fire commissioner; you are passing laws for the future. If in the future you attempt to order in, in every factory building above the 7th floor, in which two hundred people are at work, sprinklers, you are going to cause a severe hardship in a large number of cases.

Mr. ELKUS: How many cases do you think that would apply to in New York City?

Mr. JOHNSON: I could not say; I have no idea.

Mr. ELKUS: What would you suggest in the alternative for that?

Mr. JOHNSON: Put in sprinklers wherever needed.

Mr. ELKUS: Who is to decide?

Mr. JOHNSON: The fire commissioner, who else?

Mr. ELKUS: I am only asking, I want to get concrete suggestions. May I ask, Commissioner, in that connection, if you have adopted any rules under which sprinkler systems are ordered now into buildings, at your discretion?

Mr. JOHNSON: It depends upon the nature of the occupancy; that is the meat in the nut.

Mr. ELKUS: Of course the trouble here is this: To-day a building, the upper part of it may be used for one purpose, and to-morrow for another. You may have one hundred people or five hundred people working above the seventh story to-day, and on the first of May there may not be fifty.

Mr. JOHNSON: That is the objection against passing drastic general laws.

Mr. ELKUS: No; because you might have ordered it in, because there are two hundred people there.

Mr. JOHNSON: I would have to order it in if the conditions at the time were dangerous.

Mr. ELKUS: The owner of that building would have just as much of a grievance in one case as in the other?

Mr. JOHNSON: Yes.

Mr. ELKUS: I am trying to see if we cannot get some information. The complaint is made that they do not want discretionary power, they want something that they know they can rely upon one way or the other. What you would do with reference to buildings hereafter constructed.

Mr. JOHNSON: For factory purposes?

Mr. ELKUS: Yes; would you require a sprinkler system to be put in those buildings if they are a certain height, above a certain height?

Mr. JOHNSON: I am inclined to think that would be a good idea. Then the nature of the occupancy would be settled practically in advance.

Mr. ELKUS: The only question is what should be done with existing buildings, and your view is that it should be left entirely to the discretion of the fire commissioner of New York city.

Mr. JOHNSON: Yes.

Mr. ELKUS: What this commission would like to do is to furnish some means of avoiding criticism, just or unjust, which is based upon such a discretionary power.

Mr. JOHNSON: You are going to have from property owners, where you order in expensive appliances of this sort, very great opposition. Day after day when we place an order on the premises which would call for a number of things — say we will put in an order calling for the correction of ten defects, among them sprinklers, the person so ordered will come up and say "I have done all this, except I want to tell you why, now, I should not put in sprinklers." That is so because all of the others cost little or

nothing, and the only point is the nature of the occupancy, that being the test.

Mr. ELKUS: Then you believe that occupancy is the test of the precautions that should be taken?

Mr. JOHNSON: Yes; as to sprinklers.

Mr. ELKUS: Isn't it a fact that the cost of sprinklers is largely increased because of some kind of an arrangement about the sprinkler systems by which the insurance companies only give a rebate if certain systems are used?

Mr. JOHNSON: The National Board of Underwriters have a laboratory in Chicago. In the matter of insurance, and rates of insurance, no appliance pertaining to the fire hazard whatsoever will be considered in its bearing on the rates without having the approval of the laboratory of the underwriters.

Mr. ELKUS: And they have not approved of all systems?

Mr. JOHNSON: They have approved a few sprinkler heads and sprinkler systems. The fire department stamp on every order that some sprinkler systems approved by the fire department are not approved by the underwriters. We give the man a choice —

Mr. ELKUS: That is, you give a man a larger field than the fire insurance companies?

Mr. JOHNSON: Giving him a choice of what the underwriters want or doing what we want. In the one case he is informed that he will not get any rebate on his insurance. Sometimes a sprinkler which we approve costs half that which the underwriters approve.

Mr. ELKUS: I had one case lately before me where the owner of a building was able to put in a sprinkler system which was approved by the fire department, which cost him \$1,200; a system put in satisfactorily, to the insurance underwriters, which is simply a different sprinkler head, different pattern head, I think, would have cost him \$6,000. Was that statement according to your information, accurate?

Mr. JOHNSON: That could easily be true from our experience.

Mr. ELKUS: What do you suggest could be done to remedy that? Of course, you realize every owner gets a rebate on his insurance, a substantial rebate, if he puts in a sprinkler system; if we can cut down the cost of the sprinkler system and still have it satisfactory to the fire department, there would not be so much objection to the sprinkler system.

Mr. JOHNSON: The underwriters, as you know, and as the Commission knows, have written themselves pretty well into all laws pertaining to insurance in this State, and every state, and you are going to find you have got to face the same sort of reformation of methods of fire insurance business that was brought about in life insurance. The most important thing which you can do to help the fire department in New York City is to make the fire insurance companies change their methods of insurance, of doing business in general.

Mr. ELKUS: What do you suggest with reference to that? Do you think there should be an investigation of fire insurance companies?

Mr. JOHNSON: There should be, yes. What I mean is this — I have been reiterating this ever since I have been in office, and it is a fact, that 25 per cent. of all the fires are incendiary fires. I did not seem to be able, until just recently, to get anybody to believe it. The underwriters believe it.

Mr. ELKUS: That was proven before this Commission.

Mr. JOHNSON: The underwriters won't deny it. The World happened to take up my statement and wrote a little editorial this morning, which is entirely skeptical on the subject, thinking that the fire commissioner may be talking at random — "Can it possibly be true"?

That is the minimum estimate of the incendiary fires in this State. Ask Chief Kenlon, ask Chief Guerin, ask any member of the board of underwriters.

In other words, conversely, as I have said a hundred times, before, if there was not a dollar of fire insurance in New York City, there would be 25 per cent. less fires on a fair, logical calculation.

The fire insurance companies do business in a reverse manner from the life insurance people. The life insurance people reject poor risks, so that the payer of the premium gets the benefit of the rejection. That is exactly what the fire insurance companies do not do. They insure for risks, and put up the premium so that they will cash in anyhow, and you gentlemen up there in the Legislature, surely, in my judgment, are going to face that problem, if you want to help us out.

The CHAIRMAN: I remember in the Merritt investigation, they went to some extent into the fire insurance question. I remember it was brought out that the smaller companies that begin business usually take very hazardous risks, because they were willing to gamble with their money. That was so in the case of the Pheonix Insurance Company, wasn't it?

Mr. JOHNSON: I don't remember.

The CHAIRMAN: That company was destroyed by one fire because they had taken all risks, pretty nearly, of two entire blocks, and when the two blocks were destroyed, the company was destroyed, and they only paid about ten or fifteen per cent., I think, of the amount insured.

Mr. ELKUS: Commissioner, now that we are on this subject, which is a matter of very vital importance, would you give a little further suggestions as to what could be done about this matter. Of course there may be some kind of an investigation, I suppose, by the Legislature to find out the facts.

Mr. JOHNSON: I will say this, that for eight or nine months I have made a very careful investigation, and a gentleman of good intelligence, good standing in this city, who was abroad during the summer, undertook for me to investigate the relation of the assured and the insurer in France and Germany. Without giving away any plans, I want to say that I am going to spring a very circumstantial report on this whole subject very soon, for the first time that it has been done.

In Frankfort on the Main, I think it was, about last August, he had an interview with the chief of the fire brigade. That is a city I believe of about half a million people (450,000). He

asked how many incendiary fires or insurance fires he had had. He said "I have not had one this year that I can trace directly to incendiarism."

Now, it is perfectly obvious that we can do business in this country just as they do it in a country where they do not have incendiary fires. What they do is this: They know all about the applicant for insurance, about him, his property, and they ask a list of questions as long as your arm.

Mr. ELKUS: Just as they do when you are examined for life insurance here?

Mr. JOHNSON: Yes; the result is that they eliminate the undesirable, and what they call in this country, the bad moral hazards.

Now, if you compare that situation with the situation in this city, where you find anywhere, with from thirty-five to forty fires a day, one in four is a set and fraudulent fire, you can imagine what a serious situation we have confronting us here. Not only in this city, but in the entire United States, because the methods are the same. We have in the fire department what we call fire bug blocks. One block up on the east side they have had eighty-three fires in two years and a half — in one block.

Mr. ELKUS: Can you tell us the block?

Mr. JOHNSON: I am preparing a scale map now, with every fire, with the dates.

Mr. ELKUS: Can you tell us the location of that block?

Mr. JOHNSON: No sir; I cannot just now. Whether the insurance companies have withdrawn from that block or not, I do not know; likely not.

Mr. ELKUS: What do they do, raise the rates?

Mr. JOHNSON: They make the premiums high enough to cover fire bugs and honest people and everybody else.

The CHAIRMAN: Do they make everybody pay, or only in a case where there is a moral hazard?

Mr. JOHNSON: You and I and all of us are paying rates fixed by firebugs.

Mr. ELKUS: You mean a great majority have to suffer for the misdeeds of the few?

Mr. JOHNSON: Twenty-five per cent. of all our fires.

Mr. ELKUS: Is there anything further you would like to tell us about?

Mr. JOHNSON: No, sir; that is all. I shall thank you very much if you will ask further technical questions that you may have of Chief Kenlon and Chief Guerin.

Mr. ELKUS: I want to ask you a little more about the sprinkler system, and the relations between the sprinkler companies and the insurance companies. Are the insurance companies themselves, do you know, interested in the sprinkler system?

Mr. JOHNSON: I have never heard that they were. It is suspected, but I have no evidence. I should say not, from the evidence.

Mr. ELKUS: The fact, however, that your department, after a thorough investigation approves of sprinkler heads as efficacious which can be put in for a much less cost than the sprinkler heads approved by the insurance companies would indicate something; I would like to know what you think it indicates.

Mr. JOHNSON: The whole tendency of the underwriters is to seize power and control absolutely the fire situation, as a trust. A lot of people imagine that they occupy a quasi official position in this community.

Mr. ELKUS: They have a sort of veto power?

Mr. JOHNSON: They are written into the law of the State. They are in the fire prevention laws, and in the insurance laws.

Mr. ELKUS: And in the criminal code.

Mr. JOHNSON: Yes. For instance, in the Water Department, the Department of Water Supply, Gas and Electricity, it is their

inspections of electrical installations that count. Men for instance who want to put electric lights in a building, they do not go to the fire commissioner; they go to the underwriters for permission, and so forth and so on.

Mr. ELKUS: Do you mean to say their permission controls your department?

Mr. JOHNSON: I do — the underwriters do not control my department, but they have written themselves into the laws and ordinances to such an extent that they occupy in some respects as strong an official position, and more so, than I do. For instance, their policy reads that if you do such and such a thing, the policy is vitiated.

Mr. ELKUS: Yes; or if you don't do a lot of things.

Mr. JOHNSON: They don't have to bother about the water commissioner or the fire commissioner; they don't want their policies vitiated. The character of this legislation should be such as to view them as a public service outfit.

We have a little laboratory, for instance, in this worthless bureau of fire prevention, a chemist who passes upon these things himself, and we have a board of standards at work on all these appliances and a committee of the fire department to pass upon these things from our point of view. Now, the fire authorities ought to have the last say, in this city, on those things, and not the board of fire underwriters.

Mr. ELKUS: I agree with you; I think we all agree with you entirely in that.

Mr. JOHNSON: Legislation should be passed concerning them, just as you pass legislation regarding railroads and other public service corporations. Insurance is regarded as a governmental function in every country except the United States.

The CHAIRMAN: That is the difficulty we have to solve. I agree with you, I think some State or municipal department should have the approval of these sprinklers, and if the department says they are all right, they ought to get the rebate.

Mr. ELKUS: The case of which I gave an illustration is an outrage.

The CHAIRMAN: Yes; that has been known for some time.

Mr. ELKUS: I am going to call that gentleman as a witness, with your permission, Mr. Chairman?

The CHAIRMAN: Yes. It is not just within our province, perhaps, but, if we can recommend any legislation on that line, we ought to do it. We have an expert fire fighter right among us, Mr. Brentano, who has been studying it for us, and I am told he has the greatest fire fighting library in the world.

Mr. JOHNSON: Mr. Brentano has been, from my knowledge, for many many years a staunch friend of the fire department whenever it was good, and I do not know of a better authority on fire matters in this city than he is.

Commissioner BRENTANO: It is very gracious of the Commissioner to say it, but I had thought that I might answer that he was a greater one. I want to ask if I may, just one question. In your contemplating this legislation Mr. Commissioner, about the sprinkler systems, had you in mind all the perils to life? Because I think perhaps I gathered more from your answers; was the possibility of the destruction of property as well in your mind, in the conflagration aspect in buildings of this character, in which this bill provides for sprinklers above the seventh floors.

Mr. JOHNSON: I think they go hand in hand. Of course the whole spirit of the new fire law is rather towards the protection of life than the protection of property.

Commissioner BRENTANO: Yes; that is true.

Mr. JOHNSON: And the sprinkler system of course, which will extinguish a fire dangerous to human life will also extinguish it as to property. I think perhaps that is an answer.

Commissioner BRENTANO: The only thing was, whether you had not excluded the property hazard altogether, in your mental consideration.

Mr. JOHNSON: No, sir; I do not think I have.

Commissioner BRENTANO: You do not think so?

Mr. JOHNSON: No.

Commissioner BRENTANO: There is just one more question. What I would like to say is not with the slightest idea of any criticism of yourself or anyone. Isn't it a fact that the criticism about the installation of sprinkler systems and many other appliances comes because of the fact that the fire department unfortunately has not always had a continuous policy regarding the installation of various appliances, and that it has caused property owners, a great deal of expense through changes and various recommendations that have been made from time to time, and supplanting things they thought were well provided for, and requiring owners in a comparatively short time to displace them?

Mr. JOHNSON: I think there is a great deal of inherent injustice in the administration of fire preventive measures for this reason, that not everybody is inspected. We have not been given enough people to inspect everybody, and naturally a man who has been ordered to put in sprinklers in a certain situation, and finds that his neighbor who is in the same situation, and has not been visited—

Mr. ELKUS: He thinks he is discriminated against?

Mr. JOHNSON: Yes.

Mr. ELKUS: That you have with every system; that you have with factory inspections.

Mr. JOHNSON: When you put these requirements on the fire department and do not provide the means.

Mr. ELKUS: That is what I want to ask; have you the means now, have you been furnished with sufficient means to adequately perform the duties of the Bureau of Fire Prevention?

Mr. JOHNSON: Absolutely not, no, sir. The tenement house department has a jurisdiction which I should say, from a statistical point of view, would be about one-quarter or one-third of ours, and they have three or four times the force.

If you want to clean this thing up, later on, you might not need so many, but you have got to have a great cleaning up. If

you want to do it right you must make everybody clean up who has defects in this place. That is the kick about this thing. You make one man spend \$5,000 and never even see the other man. You cannot; you have not got enough people to send to him and cover this ground.

With \$150,000,000 or \$200,000,000 worth of new buildings going up a year, that alone is enough to keep us busy.

Commissioner PHILLIPS: You spoke of the foreign laws in regard to insurance. Do you think it advisable to enact a law forbidding an insurance company to pay the assured, any more than 80 per cent. of the loss, where the fire starts on his premises -- if the fire starts on his premises make him stand a little of the loss.

Mr. JOHNSON: I think he should be penalized, as he is in France. There you can bring a civil suit against a man whose fire spreads to other premises.

Mr. ELKUS: In Germany too?

Mr. JOHNSON: Yes.

The CHAIRMAN: There ought to be some penalty to the man who is careless.

Mr. ELKUS: Now his carelessness is rather encouraged.

Mr. JOHNSON: His carelessness is encouraged and his desire to cash in on his insurance policy is --

Mr. ELKUS: Accelerated?

Mr. JOHNSON: And men, not criminally minded, are brought in situations of stress, to let their premises burn up.

Mr. ELKUS: They get into financial trouble and see their way out?

Mr. JOHNSON: There are hundreds of people right in this city to-day, in certain lines of trade which have been dull, when they see they are up against it, and have nothing between them and bankruptcy, except a fire insurance policy.

Commissioner PHILLIPS: If the furnace burns too hard and sets fire, there is no harm done.

Mr. JOHNSON: They are made extremely careless.

PHILIP J. MOSENTHAL, of 95 William Street, New York, was introduced.

Mr. ELKUS: Mr Mosenthal, what is your business?

Mr. MOSENTHAL: We are fire insurance brokers who have made rather a specialty of studying the problems of fire prevention, and from the point of view of the owner of the property. We are the middlemen who are presumed to understand something of the requirements of the property owner, of the safety of life and of scientific fire prevention and underwriting practice.

Mr. ELKUS: Do you wish me to direct your attention to certain matters?

Mr. MOSENTHAL: As you wish. I have prepared some facts here. A number of things that were stated by Commissioner Johnson, and a number of questions that were asked him, rather took me off from the line of thought I purposed following.

A number of the opinions expressed by the last witness appear to me to involve so many divergencies from my own point of view that the trend of thought I was following has rather been interrupted. I was coming to the question of sprinklers equipment later —

Mr. ELKUS: You may take up the subjects in your own order. Then if there is anything I think ought to be asked you, I will take the liberty of doing so.

Mr. MOSENTHAL: Let me say briefly that the purpose and the point of what I shall say will be this: I represent the property owner, who is my client. I have no authority to speak for any underwriter, any board of underwriters or underwriters' exchange. The question of fire prevention of safeguarding life and property, if it is to be efficiently handled, must be considered as an economic one.

My sympathy with the poor girls who were burned in that fire in the Triangle Waist Factory is quite as great as any one's else.

I—I say I, a thousand men like me, could have told you before that fire happened that if it ever happened in that particular building, that that would be the result, because we have been compelled as a matter of business, in pursuit of making our living, to view such buildings as that, and to form an opinion as to what is likely to happen.

Let me sum it up concisely by saying that such men as I are employed to make it an economic possibility for the property owner, the employer of labor, to safeguard life and safeguard property.

It is a fact that we need not call regrettable, because it is a simple fact of human nature, that men want to be shown that money can be saved by saving waste and saving life. That can be done and is done. The tendency in the United States, as you know, is towards the saving of waste on the lines that were worked out in Europe before the United States existed. We have just learned the lesson; we have learned the lesson, as far as fire prevention goes, within the metropolitan district of New York and elsewhere, but mainly there, as it has never been learned in the history of this country before.

The example was set us from New England, thrifty New England, where sixty years ago factory owners combined to protect their property at low cost, by keeping it in good order. Mr. Merritt of the Assembly Committee summed up an opinion I expressed before that committee on the same subject, by saying it is all a question of good housekeeping.

Let me say, Mr. Chairman, that the strictest standard test for methods of fire prevention and fire extinguishing were devised and are to-day upheld by mutual companies, who have no stock dividends to pay, and whose policyholders are the only ones interested. Their sprinkler equipments, their methods of safeguarding life and property are the strictest and most expensive of those known.

The CHAIRMAN: Do you happen to know, Mr. Mosenthal, any of those which are accepted by the New York Fire Underwriters, which are used by the New England mills?

Mr. MOSENTHAL: The Boston Manufacturers' Mutual has within its own building on Milk street, Boston, its own laboratory.

It works — I am not speaking by authority, with any detailed knowledge of this particular part of the case — they work in complete harmony with the Underwriters' Laboratory in Chicago. They compare notes and exchange experiences, and if there be any difference in strictness of standard, the stricter requirement is on the mutual side.

The CHAIRMAN: Do you think — I don't know whether you care to express an opinion, do you think that there is any favoritism shown by the board of underwriters in the matter of selecting sprinklers?

Mr. MOSENTHAL: You ask me a question, Mr. Chairman, which I shall have to answer in detail. I would just as lief take it up now; I was coming to it later.

The CHAIRMAN: When you come to it, take it up.

Mr. MOSENTHAL: The key note of what I want to say is to ask you gentlemen who are to propose these laws to the Legislature to make efficiency the standard of law.

The supplying of proper material and the supplying of proper appliances require intelligent, technically educated men to enforce these laws. If you do not do that, gentlemen, you are placing a burden upon property which you have no right to place; you are placing a burden upon productive industry which in the long run the poorest man must pay for. If you allow waste to go on by licensing imperfect appliances, it is the poorest man that will pay for it in the long run. That is a commonplace.

Mr. ELKUS: Of course what you say we all agree with in the abstract; those are all generalities which everybody subscribes to. If you intend to take up these things and give us concrete facts —

Mr. MOSENTHAL: I was going to.

Mr. ELKUS: It is a very good sentiment, very well expressed; I agree with you entirely.

Mr. MOSENTHAL: I have the concrete example I was coming to.

Your bills provide for an advisory board; they provide for certain inspectors. If you are going to consider the fire hazard

as being an important one, that board should have at least one man appointed who knows the technical side of fire prevention. Your inspectors should be trained in methods of inspection for fire prevention and not merely for sanitation. The probable salaries to be paid to your inspectors are not large enough —

Mr. ELKUS: May I call your attention to this, that the advisory board to which you refer I presume is the advisory board of the Department of Labor. That department has nothing to do with fire prevention in New York City.

Mr. MOSENTHAL: I am corrected then. I was not sure from a reading of bill No. 7.

Then it is the fire prevention bill of New York?

Mr. ELKUS: Yes.

Mr. MOSENTHAL: Establish a connection between the fire department and those individuals and those boards who have made a scientific study of the fire problem.

Mr. ELKUS: What do you mean by that? The insurance underwriters board?

Mr. MOSENTHAL: Yes.

Mr. ELKUS: You have heard the last witness, Mr. Johnson, say the underwriters had too much authority. You want to extend their power?

Mr. MOSENTHAL: I would like to extend their power in any manner that may be feasible within law. Fire prevention is not an exact science. We are learning something by a certain percentage of fires that occur, say 10 per cent. of the fires by way of taking some figure, teach us something. The other 90 per cent. of the fires go to prove theory based upon preceding experiences.

Such bodies, as the underwriters' laboratory in Chicago, backed by the National Fire Protection Association and the National Board of Fire Underwriters, have made a scientific study of matters, that a great many people think they can learn by looking at the outside of a building which is burning. If I went to a chemist and said, "I know how you prepare this particular

chemical because I have bought it in the drug store," he would think I was very foolish —

Mr. ELKUS: Can you explain this: The last witness Commissioner Johnson, said that the National Board of Fire Underwriters had approved of only a few, comparatively few sprinkler heads, I think five or six testified to, or practically four, because one company had absorbed one or two others, yet the fire department approved, so far as they were concerned other sprinkler heads which were materially cheaper. Now, a sprinkler head, as we all know, is a very simple thing — that is it looks to be simple; it is simply a head which under a certain amount of heat melts and water comes through. I would like to get your views as to that, because it is a fact you can get these sprinkler heads outside the combine, or whatever you choose to call it, outside of the selected few, much cheaper.

Mr. MOSENTHAL: I will answer your question, if you will allow me in detail.

Mr. ELKUS: If I disturb your train of thought by interrupting, I will wait until you get through.

Mr. MOSENTHAL: I can take up that problem now, or I can treat it as a part of a general problem. Let me continue.

There are certain bodies who, at very large expense, and by the experience of a life time have studied fire prevention problems. I gave the instance of a chemist who knows the composition of the preparation he makes, while I buy it. A fire prevention man must be a chemist, must be an engineer, and above all he must have financial sense in order to apply his theory to the possibilities of a man's pocket book.

Mr. ELKUS: We all realize insurance companies have financial sense.

Mr. MOSENTHAL: It is a regrettable fact that within my knowledge no public body has ever had as thorough inspection or as high a standard for such matters as have had the people whose financial interests are involved, and in the notes I have made, I was going to give you concrete instances, including the

sprinkler problem. We will take the sprinkler first, since you have put the question.

Let me disagree with you very radically in your opinion that the sprinkler is a simple thing. The automatic sprinkler with its engineering details is a complicated piece of machinery. It is the best friend the manufacturer, the property owner, the person who wants to save money can have, and it is one of his most serious enemies.

A good sprinkler equipment should put out any fire, and the failures of the sprinkler were in almost every case that has come to my attention directly traceable to bad makes or bad construction.

Mr. ELKUS: Then you are a sprinkler advocate?

Mr. MOSENTHAL: I will go on and tell you so. I will make it stronger than I have yet. The automatic sprinkler when it was first introduced twenty-five years ago, roughly, was a very defective apparatus. A great many manufacturers were attracted by it. They installed it, and I can point, outside of the city of New York, mainly in such towns as Patterson, and possibly eastern milltowns, you can be shown automatic sprinkler equipments which are fit only for the ash heap, and in which the owner of the property would not dare introduce water.

Let me repeat that the sprinkler failures, that is, the buildings that have burned in spite of the sprinkler, are a matter of detailed study by the engineering force of the laboratories, and other concerns, and in each individual case the cause of the failure is traced and studied and considered. The Baldwin Locomotive Works, which had a serious fire in Philadelphia some years ago, and at the same time a factory in New Hampshire whose name escapes me, in those cases the fire occurred through a temporary shutting off of the water supply during the making of repairs on one part of the system. Now, we cannot state it too definitely — there are only two kinds of sprinkler equipments: one is very good and the other is very bad. When your informant said that he could get a sprinkler equipment for \$1,200, which as I understand it was as good as the accepted standard equipment —

Mr. ELKUS: It was passed by the Fire Department.

MR. MOSENTHAL: He was speaking of a technical engineering problem of which he probably had no knowledge.

MR. ELKUS: No, what he had done was to have it passed by the authorities of the fire department.

MR. MOSENTHAL: That brings me to my next point. This must be construed as strictly impersonal.

The busy, intelligent, self-sacrificing men who work in the New York Fire Department, work, first, under imperfect laws, and second, under a very bad experience and custom. They have lived under a system which does not conduce to the highest type of work or highest type of efficiency or honesty, and they are doing the best possible and they have my profound respect and sympathy.

It is unfortunate that their requirements are rarely such as the scientific student of the fire problem will give any credence to, and I have not had within the time at my disposal — I have not been able to gather a great many instances, but I have noted down a few.

Some years ago, quite within recent years, the Municipal authorities became very much agitated, and properly so, and they had my full sympathy, and the full sympathy of the community, in the fact that firemen, brave men, who were driven by their duty into cellars, were suffocated. Somebody made a requirement which apparently that somebody had the power under the law to enforce. They compelled — and presumably had legal authority to do it — compelled property owners to install perforated pipes, into which water would be pumped, and which would put out the cellar fires, and prevent the smoke and save the lives of firemen.

And now, whoever had that happy idea based it upon experience that was thrown out in the New England mills about 1875, because that form of protection was decided to be absolutely inefficient. The perforated pipe becomes clogged, and does not do its work. Water pumped into it, instead of being concentrated on the place where the fire has begun, spreads out over the entire premises, the entire cellar, damages merchandise, and probably does extinguish the smoke.

Now, at an expense of two or three or four times that put into the perforated pipes, you could have had an efficient system of

cellar protection, but you could not get it at the price of the perforated pipes. I had not heard that they had been called for, within the last year or two, and presumably somebody has seen the light, or seen through the darkness it was shrouded in.

Another point, the question of fireproof wood. Under some form of legal requirement, the owners of very tall buildings have been compelled to install fireproof wood for trim. The technical men who have devoted their lives to the study of such matters tell me that the only result accomplished by the fire proofing process is to deteriorate the strength of the wood. The underwriters have never given credit for this so-called fireproof wood.

The quality of the inspection given by the Municipal authorities, leaves much to be wished for, because you do not insist that the men who inspect and who make recommendations for correction must have a technical knowledge to enable them to judge. If you wish me to, I can go on giving a few more concrete examples.

Mr. ELKUS: I wish you would.

Mr. MOSENTHAL: These are all in the same line, I will give you one more. This condition came to my attention recently.

In a certain large wood-working plant there had been several fires. As it happened, we were interested in that particular plant, and my own inspection force had given it some attention. A municipal inspector came in the other day and directed peremptorily that within a given time certain asbestos should be placed over the top of a certain boiler, stating that the fire had originated from the boiler. Whoever it was, he had not sufficient technical experience to realize that that boiler was encased in brick, and could not radiate enough heat to burn a piece of paper.

As a matter of fact, the fire had happened from a deposit of a certain amount of sawdust from the wood-working machines, on the top of the brick casing of the boiler. That had gradually dried — would have dried if there had been no boiler underneath it. It probably had come next to some inflammable oil, and the current passing over it caused spontaneous combustion.

The only suggestion the authorities had was to place asbestos over this boiler at an expense of some few dollars. In a few

months the asbestos would be worn off, and the owner would be compelled to do something radical because at that time the Board of Fire Underwriters would have found out the trouble and they would have compelled the owner to do the radical thing, to make the radical change, which, by the way, my own people had already brought to his attention, and then the place would have been saved.

This is an old building with 700 employees, doing highly hazardous wood-working processes, and with a very great chance that if it ever caught fire, everybody in the building would perish like a rat in a trap; and the only thing the inspector did was to put some asbestos over ten inches of brick work.

Now, when it comes to the sprinkler equipment, the sprinkler equipment from one end of the United States to the other, and in the more progressive parts of Europe is an economic possibility which the manufacturer must install if he is going to have a well-maintained factory, and which the owner of very tall building in New York must install, if the law is going to continue to compel him to safeguard life. Now, there is no other way of safeguarding life in a tall building than that. I don't care how well constructed the building is.

Mr. ELKUS: You believe then in fire walls and such things?

Mr. MOSENTHAL: I have a few technical memoranda in connection with your bills I will bring to your attention in a minute.

An automatic sprinkler would have been the only possible method of saving the lives in the Triangle fire. Now, I wish to make that statement positive. I happened to know the building rather well, and one of my inspectors had been through the building very shortly after the fire.

Mr. ELKUS: Chief Kenlon testified to exactly the same effect.

Mr. MOSENTHAL: Now, if you put in your \$1,200 equipment instead of your \$6,000 equipment, your sprinklers will work for two years from the time they are installed, and within that time perhaps, and certainly after that time, you will have rotten pipes which will cause leaks; you will have a general break down of that delicate piece of machinery, as your Hoo press or weaving loom will break down if not properly constructed and maintained. That

is not theory, that is a commonplace to people whom I send around to inspect such things every day. I personally know of it from the economic side. Don't let your fire department approve of an inferior sprinkler equipment. The result will be the same as that in the case of the perforated pipes, and worst of all, gentlemen, you will discourage the entire system of fire prevention, of the saving of waste in property and the saving of waste in life.

The CHAIRMAN: The point I think was attempted to be made was not so much that the \$1,200 equipment was inferior to the \$5,000 equipment, but that the \$5,000 equipment was within the trust; you have heard that of course.

Mr. MOSENTHAL: I have heard that a great many times, Mr. Chairman.

The CHAIRMAN: And that the trust was also controlled by those who also controlled the Board of Fire Underwriters.

Mr. MOSENTHAL: If you will pardon my being blunt about it, the last statement, whoever asserts it, is nonsense. I have absolutely no knowledge as to who the stockholders are of the various companies for this improved type of sprinklers. I happen to know a little about the personnel involved in the General Fire Extinguisher Company. About the Automatic Sprinkler Company I know nothing, and so on. It is not important.

As for saying that the insurance companies own the sprinkler companies, the words do not mean anything to me. There are doing business in the United States between two hundred and three hundred stock insurance companies; there are doing business, further, some hundreds of mutual companies. Now, the mutual companies, as I expressed to you in the beginning — and let me say that it is a fact, not an opinion — that the highest standard of sprinkler equipment for fire prevention is insisted upon by the New England Mills and parenthetically by the Insurance Association of Hartford, a combination of stock companies.

Mr. ELKUS: Mr. Mosenthal, we are told that what you say about the New England Mills and their insisting on adequate sprinkler equipment is absolutely true and correct. But there goes with it, we were informed by Mr. Gray, I think it is —

Mr. MOSENTHAL: Yes, he is the president of the Boston Manufacturers' Mutual.

Mr. ELKUS: That the factories and mills of New England do not pay anything like the amounts that have to be paid here for sprinkler systems?

Mr. MOSENTHAL: The answer to that is very simple. To begin with the operators in the New England mills live at lower cost and get lower wages. The cost —

Mr. ELKUS: The installation, you mean, is the cost. We were also told that any plumber can put in a sprinkler system.

Mr. MOSENTHAL: Well, Mr. Elkus, I have at this moment one very particularly annoying case, of the harm done by putting a steamfitter or plumber to work on the technical part of a sprinkler equipment. It is going to cost my client some hundreds of dollars in this case, and might easily cost him thousands, because that plumber did not know how to do it, and he is a good plumber. Sprinkler work is absolutely specialized engineering work.

Mr. ELKUS: Then if it is specialized engineering work, it ought to cost pretty nearly the same in New England.

Mr. MOSENTHAL: Absolutely not. I can have an equipment, calling for the same amount of pipe and the same number of heads and so on, installed at very much lower cost outside the metropolitan district of New York than in it; and let me add, this is a very important part of it. I do not want to go too much into the technical details; besides I am not an engineer; I repeat that it is my part of the work to consider the economic problems.

The conditions as to the water supply in New York call for the installation of two sources of supply, to the equipment, if it is to be a thoroughly good one; and I consider the clause in your bill providing for one source of supply as not the best. That means in addition to the gravity tank there must also be an adequate supply of water from a secondary source of supply, of water from a system of pressure tanks, which add very largely to the cost of the equipment; the tanks and pumps and the various appliances add very considerably to the cost of the equipment.

Now, it would be the simplest matter if you want to employ a technical expert, I shall be glad to send you my own, and take the requirements of a factory anywhere out of New York, and of a similar factory within New York, if you can find it, and show you, if you want to know from an engineering point of view, why they cost less in Paterson than they do in New York. It is clearly an engineering problem. You asked me whether there is a combination between the sprinkler companies. My simple reply to that is that I know absolutely nothing about the ownership of stock in the sprinkler companies. I know nothing about any question of trade agreement between them. I do know that when I am called upon to make bids for furnishing automatic sprinklers I get from two to half a dozen competing estimates.

The CHAIRMAN: I did not mean that as an assertion.

Mr. MOSENTHAL: I understand.

The CHAIRMAN: That is something that has been stated from time to time.

Mr. MOSENTHAL: The statement was made by Commissioner Johnson rather positively, as I understood it.

Mr. ELKUS: Oh, no.

The CHAIRMAN: Long before that, before our Merritt Committee, the same assertion was made.

Mr. MOSENTHAL: I had the pleasure of appearing before you. There is absolutely no truth in it, at least so far as the effect upon the cost of the equipment is concerned. I have at all times in my office competing bids for any number of different buildings and bids vary considerably.

Commissioner BRENTANO: May I ask you, would you favor that there shall be a published standard for sprinkler equipment, and that there having been a sprinkler standard established, as high as any thus far attained by any sprinkler system whatsoever, that upon any sprinkler system being in compliance with such standard, the insurance companies shall be compelled to make a rebate similar to any one equipping themselves with such a system as they do with one which they advocate particularly?

Mr. MOSENTHAL: I do not believe there is a government board competent to form a judgment upon that point that I would give a snap of my finger for.

Commissioner BRENTANO: I am afraid there is not, no.

Mr. MOSENTHAL: I do not believe our system of State and municipal government is fitted to create such a board. I believe that you can attain the best results by making, possibly, a law to help the adoption of standards which have been fixed by people whose economic interest is to work out proper standards. The underwriters' laboratory in Chicago I have never been in. I am only a subscriber to them. The men there are such that have made the problem of their life the study of this problem. They know how little they know and how much they know. I personally would protest against accepting the opinion of a public board as to fire prevention.

The CHAIRMAN: Could not you say the same thing as to railroads?

Mr. MOSENTHAL: If you want my opinion of the state of that industry, I shall be glad to give it to you, but I am not here for that purpose. We have heard much to-day, we have heard much before the Merritt committee, of the regulation of fire insurance by the State. I am of those who would be glad to see all laws relating to private industry abolished entirely, and let us work out our own salvation, and we will do it better, and serve the community better. I have made a few technical notes here. Let me just end the discussion of the sprinkler equipment and the improvement of the fire risk by making this statement. I stated that fire prevention is not an exact science, that the men studying it were learning a bit every day. There is no one factor in the fire extinguishing problem that emphasizes that point more strongly than the automatic sprinkler. Up to ten years ago, roughly, you may say that one could save roughly 20 per cent. of the cost of insurance by installing automatic sprinklers. The efficiency of sprinklers within the last ten years has come to be so much more fully acknowledged, the method of constructing, manufacturing and installing sprinkler equipments has been so improved, that the underwriters of their own volition and largely as

a matter of competition, are to-day making allowances in the insurance rate of fully 90 per cent. and over, in the cost of insurance of a properly sprinkled building. In other words I have a concrete case in mind of a factory within the limits of Greater New York where the installation of the sprinkler equipment would reduce the cost of insurance to roughly 9 per cent. of what it was before the sprinklers were installed. Now that, Mr. Chairman, is due to nothing except the recognition that an efficient sprinkler system is the best appliance obtainable and a poor sprinkler system is worth nothing.

I will give you a few technical points here that I happened to note down and would recommend, Mr. Chairman, if you want to go into this question more fully, there are a great many men, some of them in my own office, who can give you the technical points, perhaps, in writing, better than I can.

Mr. ELKUS: We will be very glad if you will do it.

Mr. MOSETHAL: I will give you some points now.

I have made a particular note here now in regard to consulting the board of underwriters upon such matters as sprinkler equipment, fire doors, fire escapes, etc.; if it be a feasible thing, I think it is going to be the only way in which you can accomplish the purpose of your acts.

I am on Bill No. 2. The provision for fire drills in factories would be an admirable thing, but it is not feasible. We have to spend a certain amount of time in drilling people in the handling of fire appliances, and it cannot be done by law, if my opinion is correct.

Commissioner DREIER: You would abolish it entirely?

Mr. MOSETHAL: No; you are perfectly right there; a perfectly proper question to ask. I merely want to make the point; I do not think it amounts to anything. I do not think you can control the girls in the top story of a building to come out, as you could drill them in a school, but I think you can go some distance for the same thing by proper means of fire escape.

Bill No. 3, automatic sprinklers, on the first page, I would consider the question of the large area, or the area of the building, as

being, on the whole, quite as important, perhaps more so than height. Area is, in a way, a greater factor than height in the spread of fire, because you can stop vertical openings and cannot stop or cut down area except by brick walls.

Commissioner DREIER: Then you advocate fire walls?

Mr. MOSENTHAL: Oh, surely. Large buildings without sprinklers be limited in area.

Commissioner DREIER: How large an area?

Mr. MOSENTHAL: Well, the ideal standard for a factory should not exceed five thousand square feet within fire walls. That is not an economic possibility, however, you will have to give them more area. We will say 7,000 square feet, but I do not think any space in a factory over 5,000 square feet should go without sprinklers.

Mr. ELKUS: Do you mean old or new buildings, or both?

Mr. MOSENTHAL: I think call it both but the answer is not quite accurate.

Mr. ELKUS: That is the problem. You heard Mr. Johnson speak about the drastic provisions of requiring sprinklers to be put in factories where more than 200 people were employed above the seventh floor. Of course, in a new building he agrees with you, and I think the best thought now is that sprinkler systems should be made mandatory in every factory building that is hereafter built, or built after a certain time. Of course the cost is comparatively small in a new building. Now, take the present buildings —

Mr. MOSENTHAL: Mr. Elkus, there is not a building that contains within it any particular amount of value in which a sprinkler equipment would not pay for itself in anywhere from three to ten years.

Mr. ELKUS: Then you do not think it is a drastic provision?

Mr. MOSENTHAL: I do not think it is a drastic provision, and I am glad you reminded me of it, because I intended to make that statement as bluntly as I could. I am going to qualify that statement. If you take the part of New York that lies between 4th

street and 14th street, just now being emptied of its tenants because they are moving up into the Fourth avenue district, mercy knows what you are going to do with that part of the town. The most inefficient, badly maintained garment factories in New York are moving into that district; and if there be to-day a conflagration area here in New York that I am afraid of, it lays within those limits. It is perfectly horrible. The buildings are of old hollow iron front construction; the fire openings are improperly stopped; the whole construction of the building is as flimsy as possible. Most of them were put up, I believe, between 1870 and 1885, and are the most awful part of New York; and there is not in those buildings a sufficient value to pay for an automatic sprinkler system, except the buildings that now have it, the great dry goods houses that have moved from the region of Broome street up to Fourth street are properly equipped, and the garment makers who moved in there will probably cause very serious deterioration.

Mr. ELKUS: Of course there are no buildings or very few of them, there, that have more than seven stories.

Mr. MOSENTHAL: That of course is one safeguard.

Mr. ELKUS: So this sprinkler system —

Mr. MOSENTHAL: Yes, but there is the fault in the requirement; the matter of seven stories does not —

Mr. ELKUS: We are trying to get a measure that is going to be a compromise.

Mr. MOSENTHAL: I see; but a five-story, or a three-story or a one-story building may need sprinklers more than a seven-story building.

Mr. ELKUS: Do you think some department should have some discretion like the Bureau of Fire Prevention now in New York city, and leave it to them alone, or do you believe that there should be some standard or mandatory provision of the law?

Mr. MOSENTHAL: Mr. Elkus, I am not a lawyer and cannot express an opinion about a mandatory provision.

Mr. ELKUS: There isn't any law about it, it is simply a question of common sense.

Mr. MOSENTHAL: I do not believe in giving the fire department discretionary powers unless those discretionary powers be based upon technical knowledge and efficiency, and if you will tell me how to accomplish that, and why —

Mr. ELKUS: That is just simply opening up an argument. Here is your proposition. Do you favor allowing somebody — let us assume that he has discretion and ability to exercise that discretion, allowing him to say when the sprinkler system should be installed, or do you favor that the law should say that in every building, of a certain height, or over a certain size, whatever may be the provision, that there must be a sprinkler system installed.

Mr. MOSENTHAL: I do not think that any one person should have control of the situation. I do not believe that it is possible that a law can be drafted to prescribe technical engineering details. I do believe it would be feasible, subject to correction as a matter of law, to establish a board of experts, who shall determine such matters, somewhat perhaps on the lines of the board that passes upon the admission of doctors to practice within the State, or of a similar board that deals with matters of a technical nature. We cannot emphasize too strongly that the problem of fire prevention is an imperative one. It is based upon experience that has been gathered every day; that experience must be observed by people technically trained to do it, and you would not send a dry goods clerk to dredge in the South Pacific for marine animals.

Mr. ELKUS: You speak of the difference between the judgment of the fire underwriters, their board on sprinkler systems, sprinkler heads, and the fire department; there is a difference between the fire underwriters and other departments about other things; they don't agree about a great many other appliances.

Mr. MOSENTHAL: I do not quite follow you, because it does not come within my line of work to know about these divergencies of opinion. They come to my attention when the harm is done.

Mr. ELKUS: It has been brought to our attention that the fire department in the exercise of its judgment, and we have no reason to question that its judgment is good, has approved of certain things; the Board of Fire Underwriters in a great many cases will not approve what the fire department approves. The practical result is always this: One costs a certain sum; the other cost two or three or four times as much, strange to say.

Mr. MOSENTHAL: Mr. Elkus, now you state a case with which I have been familiar during all of my active life. There has been no time when the law, and those in charge of inspecting the observance of the law and enforcing the law, have not been willing to accept a standard inferior to the underwriters. The underwriters knew a great many years ago that hollow iron columns in a building were a source of very great danger.

Mr. ELKUS: The underwriters always kept on insuring.

Mr. MOSENTHAL: Well, if you want an opinion upon that point, I shall be very glad to give it. That is a simple one and it is within my experience.

Mr. ELKUS: That is a fact, isn't it? They insure what they don't approve of, but they advance the rates.

Mr. MOSENTHAL: You and I invest money in the stock of an insurance company with a view of making dividends. If we can insure \$1,000 at a premium of \$100 and make that \$100, we would just as soon, perhaps, as insure \$10,000 at a lower rate, for the same premium.

Mr. ELKUS: You don't do it if you invest your money in the stock of a life insurance company.

Mr. MOSENTHAL: That is a common fallacy; that was the point made by Mr. Johnson, and it is a fallacy. Life insurance is a question of absolute mathematics. You can calculate the cost of carrying a life down to twenty place decimals.

Mr. ELKUS: That is based on the premise that the man is healthy when he is insured.

Mr. MOSENTHAL: That is determinable almost beyond doubt.

Mr. ELKUS: Take the construction of a building, the insurance companies know — take hollow iron fronts, they are dangerous, yet they go on and insure them.

Mr. MOSENTHAL: Very good, for one thing, if they were not to do it, there would be a very keen objection on the part of the property owner.

Mr. ELKUS: There is always a very keen objection upon the part of the man who applies for life insurance and who is rejected.

Mr. MOSENTHAL: If you can find a possible way to prohibit an insurance company from accepting a bad risk, the millennium will be here; then the man must tear down his building, because he cannot get insured. If you can make it impossible for an insurance company to insure a poor risk, you have accomplished all you are after.

Commissioner BRENTANO: Isn't it a fact that the subject of fire prevention and fire extinguishing is not scientific and there is no scientific standard to speak of? Isn't it a fact that in law and in all the professions, surgery, there is just as much need, and just as much importance, every day, as there must of necessity be in the search for improvements for fire extinguishing and fire prevention? Why do you speak of that, if I may ask, as if everything within human knowledge was definitely determinable, and great progress would have to be made —

Mr. MOSENTHAL: In fire prevention?

Commissioner BRENTANO: No, other things; they have standards.

Mr. MOSENTHAL: I feel I expressed it so badly —

Commissioner BRENTANO: You have rather created the impression as if, with regard to all other things within human knowledge, there has been reached a final standard on which one might go, and which it would be impossible ever to obtain in the matter of fire prevention.

Mr. MOSENTHAL: Then I expressed myself very badly. I mean to say this, the problem of fire prevention has been studied

in this country — it began to be studied in this country sixty years ago, in New England. It was studied in regard to a very limited class of textile mills. The problem of fire prevention has been studied to any marked degree not over twenty-five years. and in any kind of a scientific way not twenty years. I think that is in answer to your question Mr. Brentano. The people have been studying the problems, scientific problems of pure science for thousands of years, and we know of fire prevention just what we have learned within a very short period.

The CHAIRMAN: The point is that not having studied it so long, we cannot reach the same standards as in other things.

Mr. MOSENTHAL: Precisely.

In bill No. 3 I repeat the suggestion again that the fire commissioner of New York, in approving of certain matters be placed in communication with such a body as the Underwriters Laboratory, any one having technical knowledge — the details of it I have not thought out — but it is absolutely a technical question.

In bill No. 4, page 2, there is a question as to using sliding doors for fire escapes. I doubt whether they can be made to work easily and freely.

On page 3 I think it would be well to provide the number of exits in accordance with the area of the building, not merely the height and the number of occupants.

The matter of exceptions in line 12, page 4, the authority to grant exceptions from the enforcement of this law should be in one technically competent to make the exceptions.

Mr. ELKUS: The fire commissioner is given the power —

Mr. MOSENTHAL: It should be someone technically competent.

On page 5 there are provisions for fire escapes which I think need very serious amendment. I think the day of outside fire escapes will pass away very soon. I think the only efficient fire escape will be one enclosed within solid brick walls and entered from within the building.

Mr. ELKUS: You mean the Philadelphia type.

Mr. MOSENTHAL: The Philadelphia type, yes. Has it been brought before you?

Mr. ELKUS: Oh, yes.

Mr. MOSENTHAL: Then I will skip it.

Whatever you do, eliminate this provision for a goose neck. My own chief inspector described to me how he was nearly killed by the breaking loose of the goose neck.

Mr. ELKUS: You know these provisions are made for the purpose of helping out the old buildings; it is perfectly easy with a new building to state you shall have a Philadelphia fire escape. We have to take conditions as we find them, and do the best we can.

Mr. MOSENTHAL: But eliminate the goose neck.

Mr. ELKUS: It is better than having nothing.

Mr. MOSENTHAL: No it is not; you can have something better than that.

Mr. ELKUS: You can?

Mr. MOSENTHAL: Yes. My own chief inspector has made a note. He says a platform should be constructed at the cornice level so that persons can go over the cornice without danger of falling. The same question of the goose neck comes again on page 9.

Bill No. 5. I do not like the use of the term fireproof doors, unless the body of experts we would like to see in power have the right to say what is a fireproof door. The city of New York is full of imperfect doors, and people's pockets are emptied paying for them, the poorest kind of work possible. I keep one model in my office to show people how not to do it. It was devised for a twelve-story building on 5th avenue, and the model was fortunately sent to me first.

Mr. ELKUS: Otherwise do these bills meet with your approval, Mr. Mosenthal?

Mr. MOSENTHAL: I think they are in the right direction.

There is a question on page 8, bill No. 6, of how an inspector — the inspector of the 11th grade shall be an expert on fire prevention. As to how his expert ability is to be determined, I come back to the same question of an expert board. One word in conclusion about the automatic sprinkler. We have been talking of it as though it were an appliance to be used in a factory only. It will have to be used in every tall building in New York.

Mr. ELKUS: We have had it stated before that it ought to be in every private house.

Mr. MOSENTHAL: As a matter of fact I know some houses that have them.

Mr. ELKUS: In the cellars anyhow.

Mr. MOSENTHAL: In the cellar; but it need not be automatic; it can be supplied from pipes from the water supply. The Bankers Trust Company acting in accordance with my own suggestion, have sprinklers in their pyramid superstructure. I think it is the first case of the kind. All office buildings must have it, as a matter of saving the building; we know it won't burn, but what chance would a man stand on the 40th story.

Mr. ELKUS: You mean as a pure life saver.

Mr. MOSENTHAL: As a pure life saver.

Mr. ELKUS: You believe in the efficacy of the sprinkler as a life saver?

Mr. MOSENTHAL: I believe in the efficacy of it. I believe it is the only method of saving life in a certain class of buildings in New York, and to be erected in New York. That is I believe it is the only way of saving life in the old inflammable buildings, and the only way of saving life at the top of the larger modern skyscraper.

Mr. ELKUS: You speak from the standpoint of the owner in saying that.

Mr. MOSENTHAL: I am not authorized by any one of my clients to come here and represent him.

Mr. ELKUS: In their best interests.

Mr. MOSENTHAL: I do mean to say this: I shall advise any of my clients as I have in the past that it will be to his interest to build in the best manner possible, and to put in the best possible means of fire prevention and its extinguishing, and I will also advise against their doing any kind of cheap work.

Recess until 2:15 p. m.

AFTERNOON SESSION.

G. RICHARD DAVIS:

Mr. ELKUS: Mr. Davis, will you give your full name and address and your firm name?

Mr. DAVIS: G. Richard Davis, 135 Broadway, member of the firm of A. L. Mordecai, a corporation; and secretary of the Allied Real Estate Interests for whom I appear.

Mr. ELKUS: How many members are there of the Allied Real Estate Interests?

Mr. DAVIS: We have about 600 members in the association, but it is collateral to all the real estate interests in New York, who are represented in the Greater New York Taxpayers Association of which Mr. Allan Robinson is the executive head, and Mr. Robinson is president of our association. We have now on our board the executive officers of the five largest real estate offices in New York, the five largest lending institutions in New York; architects, builders, and the five most prominent real estate brokers in New York, so that at our board meetings we get a very broad view and many-sided views of the situation on real estate and buildings, fire matters from the standpoint of owners and lenders and brokers.

Our association has been considering this matter for a year past, and I am chairman of a committee to confer and consult on this subject. We appear before you for the purpose not of criticism, but of suggestions.

To be specific, as to the bills which are presented to you as embodying the suggestions of your committee in tentative form, I have three general statements to make.

First, we believe that the bureau of fire prevention as defined in the Hoey Law is a proper one, provided definite and specific rules and regulations are adopted and provided that enforcement is possible, equally to all. We are opposed to the present condition which permits the fire prevention bureau to create its own rulings, and to enforce them as it sees fit, without public notice or opportunity for a general protest on any specific ruling.

Mr. ELKUS: Then you object to the discretionary power?

Mr. DAVIS: We believe that a law itself would be almost impossible to draft which would be specific in the large field it has to cover.

I will now give you the specific points on these bills, but we believe an advisory commission, which should include the Fire Commissioner, the Building Commissioner and the Labor Commissioner should be the ones to have the discretionary power, and no one man should be able to take from the property owner in this city, or elsewhere the benefits of his property through the opinion of one man.

The Chairman.—Is not there a review board provided for in the law?

Mr. DAVIS: The objection to this review board is a definite one. It is appointed solely by the Fire Commissioner, and there is no provision made in it for the property owners to have a representative on that board of review.

The CHAIRMAN: Do you remember that Commissioner Johnson told us at the last hearing that while that is so he always permitted the owner to appoint, usually his own architect, as one of the three.

Mr. DAVIS: I do not question that, but it nevertheless should not be in the discretion of the Commissioner to do that, but it should be a part of the law that the owner should have the right to appear either by his counsel or architect, on that advisory board, or board of appeals, as it is termed. It is not properly constituted.

The CHAIRMAN: How do you want to constitute it?

Mr. DAVIS: It should be constituted so as to include — you are speaking of a different matter. The board of appeals is an appeal from the Commissioner. I think the ruling should not be made by the Commissioner, but should be made by an advisory board.

The CHAIRMAN: Yes; I understood that. I brought you to the next point.

Mr. DAVIS: The next point, the owner should have a right to appoint one member of the board of appeals.

Another amendment to the Hoey law which is extremely important is this:

Where this advisory board, or the commissioner as at present, has the power of discretion, that where this power is exercised in definite form, to order a sprinkler, or a staircase, or an enclosed wall, or some other form of amendment to building construction, that that ruling of the Commissioner become a standard for a certain type and that his ruling should be published and accessible to all the architects and builders, and that rulings of the advisory board should not be enforced more than six months apart, for this reason, that if the commissioner and his advisers decide that a certain form of construction now being used is inimical to the public interests they made a ruling which is unknown to the architect and builders; we go ahead and plan a building and present the plan to the fire department. We find it does not meet with their approval. It is impossible in these large and important structures which are going up in the city, and we know some of them are built in a period of six months, twenty stories in height — time is an element of vital importance. Often the building is under contract, where the tenant is to have possession, and it is unfair to the property owner, and the architect who planned the building, that right at the inception of his work plans for it should be held up because the Department decided that a certain construction which a week ago was proper was improper. Fair notice should be given. My association is most broad-minded in their desire to have the present building code revised, and the present methods of fire prevention amended, so as to provide the

greatest possible protection, but we want fair notice and do not want changes made without a certain length of time ensuing.

To go through these bills specifically, bill No. 2 provides for a fire alarm system.

Mr. ELKUS: How about bill No. 1.

Mr. DAVIS: What is that?

Mr. ELKUS: Bill No. 1 is an amendment in regard to gas light.

Mr. DAVIS: That bill was not presented to our committee, so I cannot speak on it.

Mr. ELKUS: All the bills were sent to you.

Mr. DAVIS: I said to our committee.

Bill No. 2 relates to fire alarms. We have two suggestions to make; first, that the size of the gong if a gong is to be required, should be specified.

Commissioner DREIER: May I ask why that is necessary?

Mr. DAVIS: Because the way the bill is drawn a bell means nothing; you could put in a bell which you could not hear across the room. There should be at least a four-inch gong to every five thousand square feet of space, so that the bell could be fairly heard.

The CHAIRMAN: You mean instead of proper gongs, instead of gongs of proper size you would define the size?

Mr. DAVIS: A size not less than a certain size.

Mr. ELKUS: Do you suggest that we submit other things than gongs.

Mr. DAVIS: I know that a number of experts on this subject of fire alarms object very strongly to the use of gongs, thinking that they cause more harm than they do possible good. Of course it is a mixed evil, but I think it would be a great mistake to allow alarms to be placed in the reach of anybody, as this bill provides. I call that to your attention, that these two points be considered; the location of the access as to the gong and the size of the gong, should these be provided, and should be specified.

Mr. ELKUS: You would not want to lock them up, would you?

Mr. DAVIS: No, sir. They might be on every loft; there is a manufacturing loft where there is a superintendent or manager, or an office and this gong, if a fire took place, should not be at the access of every excitable person, who might for no reason at all alarm the entire building.

Mr. ELKUS: On the other hand if you put it where only one or two men knew where it was, they might be out at the time.

Mr. DAVIS: I agree with you. I say the bill as drawn would appear to make it compulsory to have it all over.

Mr. ELKUS: Oh no; make it where it is easy of access, that is all.

Mr. DAVIS: Bill number 3 relates to sprinklers. Collateral to what I have to say on sprinklers is bill No. 5 and I will express our opinion on bill No. 5 before I speak of sprinklers. Bill No. 5 amends the law in relation to the limitation of the number of occupants in factories, and places as its basis the width of stairways as a limitation on the number of occupants. We believe that the character of the occupancy, which Fire Commissioner Johnson stated, should be the determining factor in this matter. In other words, the Fire Insurance Exchange has created a system whereby certain classes of buildings are placed in certain grades. Certain businesses are classified as hazardous; others are extra hazardous, others are non-hazardous; others are preferred risks.

A man who is engaged in the manufacture of steel, we will say steel or kitchen utensils, where non-inflammable material, steel machinery and metal of all kind is used in manufacture, should not be expected to employ the same safeguards against fire as a concern engaged in an extra hazardous business, we will say, of glove cleaning, or the manufacture of inflammable articles. It would, therefore, in our opinion be desirable to create a class of buildings, factory buildings, known either in two or three classes, hazardous, extra-hazardous, or non-hazardous, and under those three general classes to then specify what the requirements are in such buildings. At the present time a four-story frame building adjoining a twenty-story modern fireproof building —

Mr. ELKUS: Do I understand you to say you would limit the number of occupants to the character of the business?

Mr. DAVIS: Yes.

Commissioner DREIER: With certain divisions and a certain capacity of exit.

Mr. DAVIS: Certainly. At the present time a four-story frame building may be occupied, if it has been built — there are not many, but a few, may be occupied for any purpose whatsoever, and create a fire hazard of the greatest possible moment, increasing the insurance risk, increasing the penalty onto the adjoining property owner without any recourse or means of reducing that hazard. That building should be compelled, if it is occupied as an automobile garage, or for hazardous or extra-hazardous business, to adopt precautions entirely different from those which should be adopted in the adjoining building which has been constructed under an entirely different law, and for entirely different purposes.

The building could be licensed, that is, in connection with the building they would apply for privilege to build the building to be used for hazardous business, and under that form of construction they would be required to install sprinklers; they would be required to make their exit facilities superior to the building where non-hazardous business was permitted. This law could be easily and sensibly enforced. It would be possible for the Labor Commissioner and the factory inspectors to determine at once from the character of the occupancy the hazardous nature of the business, but no factory inspector or commission could ever adequately, in our opinion, overcome the fallacy of human nature in attempting to say how many people should occupy a loft —

Mr. ELKUS: I do not follow you. You say you would have a hazardous and extra-hazardous definition. How would you work it out? It is all right to say you would classify them.

Commissioner BRENTANO: May I ask this, at this point. Under your plan, do we understand that in a loft building twelve stories high, there could be twelve different standards, one to each loft?

Mr. DAVIS: No, sir, the whole building must create the standard, and if a man choose to lease one of his lofts —

Commissioner BRENTANO: That will fix the standard of that building.

Mr. DAVIS: That will. If it is an old building, if he wishes to lease it to an extra-hazardous business, his entire building comes under that class.

Mr. ELKUS: Suppose you have one extra-hazardous business, what would you do? Say because he had an extra-hazardous business, he should not employ more than a certain number of people,

Mr. DAVIS: That might be a desirable feature.

Mr. ELKUS: What is your idea?

Mr. DAVIS: I would first insist on sprinklers.

Mr. ELKUS: You would insist on sprinklers for extra-hazardous, or hazardous, or what?

Mr. DAVIS: For the extra-hazardous buildings which now exist, I would insist on sprinklers, that would remove the drastic provisions of the law which Commissioner Johnson has brought to your attention, where, if every property owner, regardless of the character of his occupancy, of his tenants, was obliged to install a sprinkler, it might practically take from him the use of his building. This is a proposed bill, of buildings seven stories in height.

Mr. ELKUS: Yes; but that is not putting a sprinkler in every building.

Mr. DAVIS: There are a number of buildings of great proportion, and great height in this city, which are so constructed that you could not install a sprinkler system in those buildings without practically rebuilding them.

Mr. ELKUS: Tell me one of those cases.

Mr. DAVIS: The American Real Estate Company, Mr. Babcock, is here; his building on Fifth avenue and Twenty-first street.

Mr. ELKUS: Have they 200 people above the seventh floor engaged in manufacturing?

Mr. DAVIS: Yes; I believe so.

Mr. ELKUS: Why cannot they put in a sprinkler system.

Mr. DAVIS: Because the steel work of the building has not been constructed to carry the sprinkler tanks.

Mr. ELKUS: How many stories is the building?

Mr. DAVIS: I believe it is twenty stories.

Mr. ELKUS: Do you mean to say that the roof of that building is not strong enough to stand a tank?

Mr. DAVIS: Well, you know it is not a question of one tank, Mr. Elkus.

Mr. ELKUS: Well, a tank, or adequate tanks.

Mr. DAVIS: Those tanks will weigh anywhere from eighteen to thirty tons.

Mr. ELKUS: I would like to find out about that. We have been trying to find a case where it would be a hardship. Here is a twenty-story building; how wide is it?

Mr. DAVIS: I do not know; is Mr. Babcock here?

Mr. ELKUS: Is Mr. Babcock here?

(No response).

Mr. DAVIS: You can get that information.

Mr. ELKUS: I would like to get that. Of itself a twenty-story building with 200 people above the seventh floor, would be a building that ought to have a sprinkler system.

Mr. DAVIS: That building is partly used for offices, partly as manufacturing, partly as lofts; you might call it a factory building. I would not call it a factory building.

Mr. ELKUS: How many people are there above the seventh floor in that building?

Mr. DAVIS: I do not know.

Mr. ELKUS: Is there manufacturing above the seventh floor?

Mr. DAVIS: I would not call it a factory building, but it has been so ordered by the Factory Commission.

Mr. ELKUS: That is not under our law, that is under the Fire Prevention Law where they may order a sprinkler system in any building under this law — we will get Mr. Babcock.

Do you know of any building where you can give us the details where it will be a hardship?

Mr. DAVIS: I do not know of any specific place. I personally believe, and express my personal opinion that a sprinkler system will pay for itself in a period of ten years, but at the same time I do think that this classification would make it much easier to overcome the prejudice of property owners against the enactment of this law.

Mr. ELKUS: Who is going to decide what is a hazardous building, and what an extra hazardous building is?

Mr. DAVIS: I call your attention to the fire underwriters. They have established certain classes of business and buildings which are hazardous and extra hazardous.

Mr. ELKUS: Yes, but they change them.

Mr. DAVIS: That is perfectly true, but the law could easily draw a distinction between buildings for certain purposes which are unqualifiedly extra hazardous.

Mr. ELKUS: Would you be willing to leave that to the advisory board to decide?

Mr. DAVIS: Perfectly willing. In new buildings we believe that sprinklers should be installed, just as this law calls for, and in old buildings there should be an advisory board who have the power of saying in what building a sprinkler system should be required and in what it should not be, and it would seem to us that it would be a reasonable way of getting around it if a man found his building was utterly incapable of carrying sprinklers, he would have to change the character of occupancy, which would not be the hardship it would be otherwise.

Bill No. 5 goes on to define certain features of occupancy, and on page 3 are requirements for horizontal fire stops where they call for double self-closing fireproof doors. I do not believe that it was intended to imply that the doors should be not less than 40 inches nor more than 66 inches. No door 66 inches wide is of any use, it is too wide entirely. A pair of doors -- the opening, you should define the opening, not the size of the door itself.

Mr. ELKUS: We are told that the automatic doors are of that size now.

Mr. DAVIS: Five feet six inches wide?

Mr. ELKUS: That is the width of the automatic doors, sliding doors.

Mr. DAVIS: Yes; but this is called a self-closing fireproof door, could be a double-acting single door under this definition. You don't want to call for only the automatic self-closing door which requires a certain patented device; therefore define the size of the opening, with one or two doors.

Mr. ELKUS: How wide should the opening be?

Mr. DAVIS: It should be not less than five feet; five feet six inches it might be.

Mr. ELKUS: The dimensions here meet with your approval?

Mr. DAVIS: Yes.

Both in four and five an attempt has been made throughout to define the character of construction of fireproof partitions, doors, fire escapes, and so forth. In our opinion this attempt is an unnecessary attempt, and also places the entire meat of the bill in jeopardy for the reason that the building department and fire commissioner have divergent views, possibly, on the subject of fire prevention, but the building department should be the sole judge of construction. The fire commissioner may state the number of exits required, the location of the exits, and perhaps the width of stairways, but he should not be called on to say how the stairways should be constructed or how the fire partition walls should be constructed. It should be within the province of the building department as defined in the Building Code, and if this law was

intended to be specific, it should go into the matter with great definiteness, whereas it is much better to make it general and say all matters of construction shall be as provided by the Building Code or by the building commissioner, building superintendent. The fire commissioner should have no jurisdiction as to the manner in which the building should be constructed, only as to its planning, to see that the plans are carried out as regards the matters within his jurisdiction.

To attempt to define fireproof materials, as this bill has done, calls attention to another matter which I am sure the Commission would like to have brought to their attention. It is improper to specify any material as follows: "Fireproof partitions consisting of either terra cotta block, brick walls or reinforced concrete." Now, this law is not supposed to be enacted for a day, and it is well within the province of the advisory board or within some competent authority to say what other fireproof materials shall be used. Any restriction you place on other materials is a step backwards. We want to improve our methods of fireproofing and we may devise to-morrow some fireproof block or partition which will be superior, so let us leave it as broad as possible. Define these, if you wish, as a standard, and state "Other material to be approved under test by the advisory board." Or by any power you wish to create.

The CHAIRMAN: Have you got the wording in your mind, or have you a memorandum?

Mr. DAVIS: No, sir; other than just as I have stated.

The CHAIRMAN: Or other fire resisting material.

Mr. ELKUS: Other fire-resisting material approved by the advisory board.

Mr. DAVIS: Yes. This is on the first page of bill No. 4: "Proper and substantial handrails to be provided on all staircases in factories; the steps and landings of such stairways shall be covered with rubber, asphalt or other plastic material."

Mr. ELKUS: That has been changed.

Mr. DAVIS: There are a great many other materials which would be successfully used.

Mr. ELKUS: Yes; that has been changed.

Mr. DAVIS: On page 2, bill No. 4, where doors open outwardly, they shall be so constructed as to afford, when open, an unobstructed exterior passageway of the same width as the stairway. I submit that this is awkwardly worded, the intention being to keep the width of the stairway at all times without obstruction by the door. It is not at all clear, although the intention is obvious.

Lines 11, 12 and 13, on page 2.

I will read on page 4: "All such factories shall have one or more fire escapes on the outside as directed by the Fire Commissioner of the State of New York unless adequate provision has otherwise been made for the safe egress of the occupants of the building in the event of fire or panic." That is not specific and does not convey definitely to the architect or builder what are the requirements.

Mr. ELKUS: What are you reading from?

Mr. DAVIS: Page 4 on bill 4.

Mr. ELKUS: If you take that in connection with bill No. 5 does not that make it very clear?

Mr. DAVIS: In what clause?

Mr. ELKUS: You take the provision you have just read, you know these are not to be separate bills, they are to be all one bill, all this fire prevention question is put in this form now for convenience in discussion. They will all run right together.

Mr. DAVIS: I bring that to your attention for this reason. Any provision of this kind should be as specific as possible.

Mr. ELKUS: Other means are provided for in bill No. 5; perhaps we might make some change there.

Mr. DAVIS: I take the same position as the gentleman who spoke this morning about gooseneck ladders on the roof. They are impracticable, and platforms should be used for access to the roof in place of gooseneck ladders. It is almost impossible to go over a cornice on a gooseneck ladder and there is practically very little difference in expense.

Mr. ELKUS: Yes; they are not much use. What is your opinion about outside fire escapes?

Mr. DAVIS: They are superannuated and of course as a means of egress they are suitable only where you cannot, on old buildings, put anything else; but on new buildings they are utterly impossible. Their chief purpose is a place to fight fire from. You will find that the fire department would like a continuation of that for that purpose only.

On page 6, to illustrate: "The outside fire escapes and any and all parts thereof * * * shall be constructed only in accordance with such specifications and instructions as may be adopted by the fire commissioner of the city of New York." I submit that that is improper; that the fire commissioner is not an expert on construction, nor are his assistants experts on construction, and that if outside fire escapes and fireproof passageways are required by the fire department, they shall be constructed in accordance with such specifications as shall be adopted by the building department. That goes all through this bill.

Mr. ELKUS: You want to take it away from the fire commissioner and give it to the department of buildings?

Mr. DAVIS: Under this law we would have to do both.

Mr. ELKUS: You do not want to have both?

Mr. DAVIS: We do not want both, I don't think even the fire commissioner would want the burden on his department of passing on construction.

Mr. ELKUS: He has to do it now on fire escapes.

Mr. DAVIS: We also have to comply with the requirements of the building inspector.

Mr. ELKUS: It is in the law that the fire commissioner passes on them also.

Mr. DAVIS: On the method in which they are constructed?

Mr. ELKUS: Yes.

Mr. DAVIS: They may pass on it but they do not have very much —

Mr. ELKUS: The plans have to go to them.

Mr. DAVIS: That is the law, but as a matter of practice, some of the plans —

Mr. ELKUS: You mean it is a form now?

Mr. DAVIS: Yes. I would be very glad if your Commission desires it, to provide a committee of experts on this subject to advise with your Commission on the details, which you do not want to go into.

Mr. ELKUS: We will be very glad if you will present us with a draft of that bill which carries out your suggestion. That is the way you can help us.

Mr. DAVIS: Very well.

The CHAIRMAN: Send your amendments to these proposed bills.

Mr. ELKUS: Either in the form of an amendment or a proposed bill itself, if you can do that within the next four or five days.

Mr. DAVIS: Mr. Walter Lindner is chairman of our law committee. I believe he has done a great deal of work on these bills. Together with Mr. Lindner and other members of my committee, we have discussed these points, and we are merely stating a broad view; we are not going into technical details.

Mr. ELKUS: Mr. Lindner has been acting as one of the advisory counsel.

Chief KENLON, of the New York fire department, was then called upon.

Mr. ELKUS: Chief, I think it is on the record that you have been connected twenty-seven years with the fire department and are now its chief?

Mr. KENLON: Yes.

Mr. ELKUS: I would like in the first place to take up with you the question of the sprinkler system and have your opinion about it.

Mr. ELKUS: My opinion is that the sprinkler is a very excellent means of extinguishing fires, incipient fires.

Mr. ELKUS: We have had some discussion here this morning with reference to sprinkler heads and sprinkler systems approved by the National Board of Fire Underwriters. I want to know whether you yourself have been at Chicago at the laboratory there?

Mr. KENLON: Yes.

Mr. ELKUS: Have you met the men who passed upon the different sprinkler heads or systems?

Mr. KENLON: Yes; I have met most of them.

Mr. ELKUS: Who is it that passes upon the adequacy or sufficiency of the sprinkler heads in your department?

Mr. KENLON: A board of standards.

Mr. ELKUS: Consisting of whom?

Mr. KENLON: Deputy Commissioner Glennon, Chief Guerin and myself.

Mr. ELKUS: Chief Guerin and yourself have had a great deal of experience with appliances of that kind?

Mr. KENLON: Quite a good deal.

Mr. ELKUS: I want to know from you whether the sprinkler heads you passed upon, which are not approved by the fire underwriters, are perfectly good sprinkler heads and are adequate for the purpose for which they are intended.

Mr. KENLON: They certainly are, Mr. Elkus. There is no reason in the world why we cannot pass on sprinkler heads just as well as the underwriters.

Mr. ELKUS: You have had more experience.

Mr. KENLON: Considerable more, yes.

Mr. ELKUS: Do you know why they do not approve of the heads, of all the heads which you do?

Mr. KENLON: No, sir; I do not.

Mr. ELKUS: Isn't it a fact, that the heads, some of which you approve in addition to those which they approve are much cheaper to construct or to purchase?

Mr. KENLON: Well, really, I have never gone into that phase of the subject.

Mr. ELKUS: That part you do not consider at all?

Mr. KENLON: No.

Mr. ELKUS: It is simply a question of efficacy.

Mr. KENLON: Exactly so.

Mr. ELKUS: What is your view about placing sprinkler systems in buildings that are now in existence?

Mr. KENLON: Well, I am committed to the use of the sprinkler. I have, I believe, testified here before, to my faith in this sprinkler head. For more reasons than one, it is, if in working order, a very excellent means of checking a fire, of course, by flow of water, if it is properly connected up.

Sometimes the occupants of a building become excited and forget all about sending in the alarm; the sprinkler never gets excited. But the indiscriminate placing of sprinklers in new buildings, especially in New York city, is a thing I do not approve generally.

In some cases it means practically confiscation. What I have listened to to-day, the testimony of men who consider themselves experts in their line, is all given without taking into account the splendid fire department in New York. They talk about conflagrations, just the same as though we did not have a piece of fire apparatus in the city. It has been stated here that this district over here is such a terrible risk, conflagration risk. Yes; provided it was permitted to burn; but I have known probably of fifty thousand fires in that district, and I do not know that there has more than five of them ever gotten outside of the building in which they started, and I have no recollection of a loss of life, except through an explosion, in that district -- that is in four or

five story buildings. You will understand when I say that, that I mean a building four, five or six stories is within reach and means of the fire department at all times. The danger to life is in buildings that are higher, seven, eight, nine, ten, twelve story buildings, that get beyond our ladders, beyond our reach.

Mr. ELKUS: Just before you came in a gentleman was saying that it was a hardship to order a sprinkler system in a building twenty stories high, in which they employ more than 200 people above the seventh floor. I would like to get your view about that.

Mr. KENLON: I believe that they should have sprinklers in such buildings.

Mr. ELKUS: Is Mr. Babcock here?

(No response.)

Commissioner BRENTANO: I think perhaps you misunderstood; I think he meant that specific building was an example.

Mr. ELKUS: Yes; he said it would be a hardship to order it in that building.

Commissioner BRENTANO: Simply because he said the building could not stand the weight of the tanks.

Mr. ELKUS: Well, there are other ways.

Mr. KENLON: Mr. Elkus, I have had many cases where it was necessary to strengthen the walls to carry the tanks.

Mr. ELKUS: They can strengthen them?

Mr. KENLON: Undoubtedly they can strengthen them, but there has been an express order, in buildings where in order to carry the tanks it was necessary to strengthen the buttress of the walls, but these are individual cases, and such cases should be considered on their own merit. Of course it is understood that you cannot put a tank weighing thirty or forty tons full of water at the top of a building without making some provisions for it.

Mr. ELKUS: Have you permitted sprinkler systems to be installed where they are only supplied with the ordinary water supply?

Mr. KENLON: That does not meet with the rules of the fire department. I do not know as there is any law, probably you are better informed on that, to prevent a man doing that.

Mr. ELKUS: No, there isn't any. He does not get any rebate from his fire insurance, but it would be a means of preserving life and property in case of a fire.

Mr. KENLON: Well, if he is held down to street pressure, which may be five or ten pounds at times, and not even that, the street mains may be entirely shut off. The water department is liable to come along and say the water is shut off in such and such a street; where does the sprinkler system fit in? He is out.

Mr. ELKUS: I would like to get your view upon the fire insurance question that Commissioner Johnson spoke about this morning, about fire insurance being allowed to be written for any amount, practically, on property in the city, without any restriction or any qualification of risk, beyond exacting higher premiums.

Mr. KENLON: Mr. Elkus, I might say for your information on that point, and for the information of the Commission, that that question has been thoroughly thrashed out at all conventions of fire chiefs for the past three or four years. It was particularly and exhaustively debated at Denver last summer, and without going too far, I may say that it was the consensus of opinion a large number of fires were caused in this country by over-insurance.

Mr. ELKUS: Have you any remedy to suggest with reference to that?

Mr. KENLON: Yes; I am not without resource, although that is not my business.

Mr. ELKUS: Yes; I understand that. We want your help.

Mr. KENLON: I think, Mr. Elkus, that the fault lies on both sides. I believe that the man who applies for over-insurance intends to defraud just as well as the people who are granting it. If I were framing a law along those lines, I should start in, having that in mind. A man that applies for \$5,000 or \$10,000 insur-

ance, knowing full well that he has only got \$1,000 worth of property, or value; he has something in his mind in the line of fraud. That is one side of it. I believe the insurance companies should make a more rigid investigation, that their agents should be held to strict accountability.

Mr. ELKUS: Chief, have you read the proposed bills, the suggestions that have been put in shape for proposed legislation with reference to fire prevention.

Mr. KENLON: I have just looked them over.

Mr. ELKUS: Have you any opinions or views to express in regard to them?

Mr. KENLON: I think the city of New York should be exempt from any general law. I think that should be left with the fire commissioner. I think there should be some discretion — in the matter of occupancy of buildings.

Mr. ELKUS: You think the fire commissioner should decide as to what precautions should be taken?

Mr. KENLON: I believe the fire commissioner should decide. I believe it should be left to the discretion of the commissioner as the law stands now.

Mr. ELKUS: Have you any other suggestion or criticism to make with reference to these bills.

Mr. KENLON: Well, there are some few things, but they don't amount to much. That is, in the matter of fire escapes, I see where the bill, the draft says that these balcony fire escapes should be enclosed in terra cotta partitions. Of course in that case you are simply building a fire flue. I do not think that is intended. It is probably a mistake in the draft.

Mr. ELKUS: What would you suggest, that they be open, these passageways from one building to another, or do you mean the stairways?

Mr. KENLON: I mean the outside balcony fire escapes.

Mr. ELKUS: The balcony fire escapes are not required to be enclosed; the passageways from one building to another are required to be enclosed; is that what you refer to?

Mr. KENLON: I think it says the outside balcony fire escapes; I think it is in bill No. 5.

Mr. ELKUS: Would you be in favor of enclosing those outside passageways in some way? Is this what you mean—"The outside fire escapes and any and all parts thereof, and the fireproof passageway, to be constructed in all respects in accordance with such specifications of construction as may be adopted by the fire commissioner of the city of New York, in such city, and by the advisory board of the Department of Labor elsewhere in the State."

Mr. KENLON: That would seem to qualify the others.

Mr. ELKUS: Yes.

Mr. KENLON: That would be all right.

Mr. ELKUS: I think that is probably what you mean. The fireproof balconies referred to in this subdivision—this is in bill five—"Shall be enclosed on all sides by terra cotta blocks reinforced stone, concrete or brick, and shall be less than six feet high in the clear." You think they should not be enclosed at all?

Mr. KENLON: Yes.

Mr. ELKUS: Isn't there danger if they are open, of the flames coming out through the windows, that a person has to pass, or things falling down from above, or is there more danger in having it boxed.

Mr. KENLON: I don't get it quite clear. There is some ventilation necessary, and if they are passing from one building to another, they become a horizontal flue.

Mr. ELKUS: Yes.

Mr. KENLON: How are you going to do then from the ground up and enclose them? What are you going to set your terra cotta blocks on? I cannot understand that.

Mr. ELKUS: It is like an ordinary balcony.

Mr. KENLON: Where are you going to lay your foundation? Where are you going to start your building? What is it going to rest upon?

Mr. ELKUS: What do they rest any balcony on?

Mr. KENLON: You have to build from the ground up, then enclose them all the way.

Mr. ELKUS: No; it won't be heavy enough for that.

Mr. KENLON: No, sir; I think that will need to be revised.

Mr. ELKUS: What do you say should be done? Should it be left open entirely?

Mr. KENLON: I believe it is all right to leave it open, yes.

Mr. ELKUS: Mr. Whiskeman, our engineer, would like to explain that.

Mr. WHISKEMAN: I think the chief is referring to the passage way from one building to another, where we make certain allowance in the number of occupants of the building. That simply refers to the passage way or bridge from one building to another. The reason we thought it ought to be enclosed was to protect it from the flames shooting out from the neighboring windows, windows in the neighborhood. Do you think such a passage way ought to be enclosed with fireproof construction of some kind?

Mr. KENLON: I would not enclose it.

Mr. ELKUS: Is there anything further about these bills, anything else you would like to tell us.

Mr. Kenlon: Going back to the question of tests, I listened to the gentleman who testified before recess.

Mr. ELKUS: Mr. Mosenthal?

Mr. KENLON: Yes. What I gathered from his testimony was that there is no man connected with the fire service competent to make any tests or pass upon anything used for preventing or

extinguishing fire. Now it is needless for me to say that I do not quite agree with that. I think that after forty years' service — some of the chiefs of the fire department are in the service more than forty years, going on fifty years — they should have some little knowledge of these things.

What I would suggest is this, that if you intend a general law for the State of New York, that you might have a board of experts along the lines of, I would say, the board of examiners now in the building department, composed of five or six or seven experts, in their line, and that they would establish standards. After you establish, it is all right, if you can follow it. The weak point I find in all this thing is after you legislate, you pass and enact laws, people come up to fire headquarters and they get their plans passed through there all right, examined and passed, there are not sufficient inspectors to follow up that work and see that it is properly installed. That is the weak link in the chain. I do not think — I do not say that it is quite within the range of probability that we will get enough money to get those inspectors. It is all right to send out a notice, and tell a man to do so and so, but to have it done you must follow it up and see that it is done. I had that experience in those high buildings. Plans are passed; men go out to install this equipment. They know very little about it, and there are not enough inspectors to follow it up to see that it is properly installed, to test it after it is finished and to O. K. it. It is too late to say anything when the building is constructed and make the man tear his building to pieces again. It should be followed up and properly inspected, all of which means expense.

Mr. ELKUS: Is there anything further, Chief?

Mr. KENLON: No; that is about all.

Mr. ELKUS: Any questions.

The CHAIRMAN: Chief, do you happen to know how many of the improved automatic sprinkler systems there are now — I mean approved by the Board of Underwriters?

Mr. KENLON: I believe there are seven.

The Chairman.— How long have there been that number?

The CHIEF: Oh, for quite some time.

The CHAIRMAN: There has not been any change, much one way or the other; there have not been any new ones approved?

Mr. KENLON: No; every quarter of a century, I guess.

The CHAIRMAN: Those that are approved of course remain in the same ownership right along?

Mr. KENLON: The heads that are approved are very good.

The CHAIRMAN: You think there are some, also good, that have not been approved?

Mr. KENLON: Yes; I do. There are some that have stood very severe tests that we have put them to. I just inspected one last week, with Chief Guerin. We had it under test I believe for ten weeks or more; put to all kinds of tests and it stood it.

Mr. ELKUS: And not approved by the fire underwriters?

Mr. KENLON: So far as I know it has not been.

The CHAIRMAN: You have heard the gentleman who just preceded you discuss the question of the commissioners' discretionary powers. He suggested that we have a board using the discretionary power under the fire prevention law instead of just the commissioner, including I think he said the superintendent of buildings, and one other; I have forgotten who the other one was and the fire commissioner. Now, what do you think of that proposition, would that be an improvement on the present plan?

Mr. KENLON: Well, Mr. Chairman, I believe it is against the spirit of our laws to place too great a power in the hands of any one man, and if I myself were fire commissioner I would not want such great and autocratic powers. They bring large responsibilities. There is not a man in New York city to-day that has greater responsibility than the fire commissioner. The responsibilities that are heaped upon him are extraordinary. Of course he has the aid of his chiefs and his assistants, but the responsibility is directly his in all except the extinguishment of the fire; that I have got to carry.

I believe that it would be well to have a board, but that board should be very well selected. Before I leave the stand I will say this, that this is on the line of a suggestion, Mr. Elkus. Probably it is outside of my province.

Mr. ELKUS: No; any suggestion is welcome.

Mr. KENLON: You can go on and make the most exacting standards, lay down the most stringent laws for New York city, you cannot make any laws for New Jersey or Connecticut. They will go along in their own way, and property owners and the people of New York city will help to pay their losses. That is what we are doing now.

Mr. ELKUS: I would like you to be a little more specific about that, chief. Tell us a little more about what you mean; do you mean about fire insurance.

Mr. KENLON: Yes; I mean it both ways. There is not a corresponding reduction in the premiums as paid. New York city is paying a great deal more than its pro rata share of losses. We paid for San Francisco's, we paid for Baltimore's, we paid for Waterbury's, we paid for Paterson, and for every city, Bangor and everywhere else where they have had a great fire. In other words, the insurance people are making a rate based on the losses of the country, and not upon any one individual part or particular locality; consequently the more you work and the more you exact from the people, the harder you are making it because you are burning the candle at both ends.

Mr. ELKUS: You mean the citizens of New York State get no benefit in the way of reduced insurance premiums because they have either a first-class fire department or take more precautions against fires in their buildings?

Mr. KENLON: Very little, if any.

THE CHAIRMAN: Chief, have not we got to look at the other end too? Have not we got to protect the lives, and have not we got to protect the health of our people, irrespective of our fire insurance at all, not looking at the monetary standpoint? Has not the government another duty to perform?

Mr. KENLON: That is really the function of government; yes.

The CHAIRMAN: Is not that more important than to consider whether or not we are going to reduce the rate of insurance for somebody by passing these laws.

Mr. KENLON: Mr. Chairman, my suggestion is simply to temper the probabilities of drastic measures by the commission. I agree with you absolutely.

The CHAIRMAN: Have a little more faith in the Commission. The reason we are having these hearings as counsel has said in all previous hearings,— it is something that has never been done before by legislative committees. It is our desire to do justice and that is the reason we are trying to hear all sides about these questions, but not losing sight of the fact that we have some people whose health and safety we must preserve.

Mr. KENLON: Quite so. At the same time I might add we want to keep them in New York; we do not want to drive them into neighboring states.

Commissioner BRENTANO: Would you favor a law which would create a bureau of standard tests, so far as they relate to sprinklers, and other fire appliances, and when these were passed upon and approved by such a standard board, that the insurance companies would be required to give all those sprinklers and appliances, to those who use them, the same reduction that they make in premiums to those approved by their own board —

Mr. KENLON: Yes; I would favor such a provision. I believe that would be a fair provision.

Commissioner BRENTANO: Do you think that would be a fair law?

Mr. KENLON: Yes.

Commissioner BRENTANO: And you believe it would be practicable, and that there would be talent and ability enough to be secured, other than that directly employed by the insurance companies, to make and keep and maintain such high standards or tests.

Mr. KENLON: Mr. Brentano, I believe it is absurd to say that the only talent in the world is in the underwriters' laboratory.

Mr. BRENTANO: I want to get your absolute expression of opinion.

Mr. ELKES: We agree on that.

Mr. KENLON: Surely, we are all agreed on that.

Commissioner BRENTANO: There is one more question I would like to ask, if you care to give the benefit of your experience; if you do not wish to answer it, I won't press it. Whether you believe, in regard to any structure used entirely for manufacturing purposes, and containing, I won't say exactly, how many employees, but containing a fair number, there should be any limit as to the height of such a building. In other words, should buildings given entirely to factory employment, be allowed to go up thirty, forty, one hundred and twenty, two hundred, or seven hundred feet in the air?

Mr. KENLON: That is a very broad question, Mr. Brentano, I shall answer it. My answers, understand, are my personal opinions of the matter. I believe absolutely that the height of factory buildings should be restricted.

Commissioner BRENTANO: You do?

Mr. KENLON: Yes, sir. That the question of occupancy is to my mind one of the greatest, most potent, and deciding factors, to do with high buildings.

Now understand me; I have no fear of a fire in the Woolworth building, provided the Woolworth building is occupied as an office building, but if the nature of the occupation of that building was changed, and you put clothing manufacturers up on the twenty-seventh floor, then it becomes a very difficult and a different problem altogether in the matter of the protection of life. Buildings may be constructed—it is only an economic question; you can build smoke proof towers; in other words, you can run up a building alongside of it to discharge your people into in case of fire, and bring them down into the floors under-

neath, but elevator space and broadening out of stairways and all that makes it unprofitable to build. It is an economic question.

You put fireproof furniture in there, all fireproof floors, fireproof partitions, you can build it to the sky and there is no danger there; it is what you put into the building.

Going back to the question of fireproof buildings, some of the buildings stood the Baltimore fire, where there was known to be a heat of 3500 degrees Fahrenheit practically in the open. But the contents of them was burned out just like that (snapping fingers); snuffed out human life as quick as a flash of electricity.

People are talking about a fireproof building. Employees will die in a fireproof building quicker than in a nonfireproof building. The walls of a fireproof building take up no heat; it throws it back, the same as if you were in an oven. I have gone into places, rooms on fire, even in the Postal Building, where it took everything in the room down to the fireproofing. It was impossible for a man to live there a minute — a minute, he could not live there two seconds.

That is my answer to that. I have decided opinions on the proposition. If I had my way I would not allow a building in New York over twelve stories, simply for the reason that the streets are not wide enough for such buildings.

Commissioner BRENTANO: That means every kind of buildings?

Mr. KENLON: Every kind of buildings. Understand me, when I say that, I am not at all alarmed about fires, and I believe in letting architects have a beautiful range; I have no quarrel with them at all, but they could get a much nicer city, a better city and more sanitary city, and all that, by building about twelve stories. I think that is high enough.

Commissioner DREIER: Do you think they would be for factories also? Or would you make it less for factories?

Mr. KENLON: The ideal factory would be a two-story building, but we cannot have ideals.

ROBERT D. KOHN was then introduced by counsel.

Mr. ELKUS: Will you state, Mr. Kohn, your profession and address?

Mr. KOHN: Architect; 170 Fifth avenue.

Mr. ELKUS: Do you speak for any society?

Mr. KOHN: The opinion I hold on these bills for the New York Chapter of the American Institute of Architects will be presented to you by Miss Perkins, when she reports for the conference in which the organization was represented. After what Chief Kenlon has so ably said about a board of specialists to establish standards in this legislation, I think I need do nothing further in that direction.

Perhaps a brief reference to publication might be put in here, that such standards when established by an expert board, should be published for a certain length of time before they go into force.

Mr. ELKUS: Will you explain a little more what is meant by a board of standards?

Mr. KOHN: These bills have in them a great many details which I think should not be in legislation. The experience of those who have to deal with building or fire prevention legislation shows that from time to time new devices and new methods of construction are discovered, and it is found necessary, as Chief Kenlon has said, to modify the provisions frequently.

Mr. ELKUS: Your idea would be to have a board created which should have discretionary powers, as to the egress and ingress to buildings, and means of egress to fire escapes, and methods of fire prevention, including sprinkler systems?

Mr. KOHN: I think that the Legislature should establish a certain minimum; that is to say, there shall be exits proportioned in a certain way to every building; that the proportion of exits shall depend upon the occupancy and that the unit rate of exits should vary with different classes of buildings and different occupancies. A previous witness, I think it was Mr. Davis, urged that the number of persons in a building should be limited entirely by

the particular business conducted in that building. I do not see how that could possibly be the case. It would also have to depend on the type of construction, the means of protection and the means of exit.

In one of your bills you do deal with the means of exit as one of the conditions, but there are two or three which I have just mentioned. These general conditions can be laid down in legislation, but the means of complying with these conditions as to whether a fire escape shall have treads of eight inches or eight and a quarter inches, or seven and three-quarters, or whether steel shall be of a certain thickness, are details which certainly should not be established in the law, but should be left to standards established from time to time by this expert board of which the chief so well spoke.

MR. ELKUS: Who ought to be on that board?

MR. KOHN: I am not prepared to answer that. I imagine, expressing my own opinion, I do not know who establishes the standards, if the standards are once established and published and cannot be amended without public meetings, nor an amendment apply in less than three months, I don't care who establishes the standards. They are bound to be fair — that is to say, nobody would choose anybody but experts to establish them, and they would apply equally to all, and hence be fair.

As I say, my opinion on these bills individually will be presented by Miss Perkins. I think I can help somewhat by clearing up a point in regard to sprinklers. The question has been asked in my hearing with regard to the number of heads that have been approved, as if the underwriters for instance, were to legislate against a sprinkler head for personal reasons, or reasons we do not know anything about; that the sprinkler head is the whole system; it is an insignificant part of the system.

While I do not know the exact price of these heads, I should say 8 per cent. of the cost of a sprinkler system — I won't swear this is exactly right, but 8 per cent. might be in the heads; so even supposing some heads were excluded from favoritism, it could not harm seriously the cost of the system.

MR. ELKUS: Isn't it a fact you have got to order the sprinkler system from one of these companies, if you want to get their heads — they install it.

Mr. KOHN: Why, no. That is just the point. I have had so much practical experience in installing these systems, that I have had the most severe competition from anybody and everybody.

Mr. ELKUS: I know; but you go to a sprinkler company, that owns some head, and ask them to bid on installing your system.

Mr. KOHN: I have had this recently within two months, bids from six concerns on the sprinkler system.

Mr. ELKUS: Six is the number of concerns?

Mr. KOHN: I had only two of those concerns that manufacture sprinkler heads, the others were outside contractors that purchased their sprinkler heads. They choose to purchase them.

Mr. ELKUS: From the sprinkler companies?

Mr. KOHN: From the manufacturers of heads. There was the most active competition. If you want a particular sprinkler head, you have to go to the manufacturer and purchase that.

Mr. ELKUS: How do you explain this great difference in the cost of installing a sprinkler system, if you use one of the heads not approved by the National Board of Underwriters?

Mr. KOHN: There are a good many things in the sprinkler system besides the head that goes into it. The head is an important, very important part of it, but the size of the pipe, the size of the tank, its location with respect to the head, the highest head, the size of the pumps and reserve supply. There is an infinite number of details that make a system, according to the underwriters' standard, much more expensive than a system somebody else might devise.

If I chose to go as far west as Cleveland, and come under the Central Underwriters' Association, the standard would be different, the system would be cheaper, but it would not depend alone on the head. I might get a cheaper head.

Mr. ELKUS: I am talking about right here in New York. You can get a system approved by the fire department and have it installed very much cheaper than the sprinkler head that is approved by the National Board of Fire Underwriters.

MR. KOHN: I never tried the experiment, because I find that the sprinkler systems pay for themselves so quickly, it would be foolish to do anything else.

MR. ELKUS: If you have not tried the others, how can you say? Go right ahead —

MR. KOHN: That ends what I had to say with regard to that particular subject; in fact in regard to the whole subject.

MR. ELKUS: It has been suggested to the Commission that the method of disposing of the occupancy problem might be solved in this way, that all buildings after they are erected should be tested for the safety of their occupants by an exit test, which would require the exit of everybody from the building within three minutes; or if the building contained proper safety fire walls, to insure the occupants being taken through those walls out of the danger zone, to safety, within that time. Do you think it is practical to have a bill drawn of that kind as the sole means of determining the safety of the occupants of buildings?

MR. KOHN: I think it would in regard to existing buildings, but it would be almost impossible for anyone to design a building in the future and figure out how he could get people out in that time, but it would be an interesting experiment.

MR. ELKUS: How about being fair or unfair; it may be a very nice experiment.

MR. KOHN: I should say that three minutes was too short a time, for a high class fireproof building, in which the occupancy was office or storehouse or anything of that kind.

MR. ELKUS: How about any time tests being used?

MR. KOHN: I think a time test would be perfectly feasible and reasonable.

MR. ELKUS: One day you might have more than the next day — more people in the building, and they might take longer to get out. One day they might be in a hurry and the next day they would not.

MR. KOHN: This is under a fire drill, I assume.

Mr. ELKUS: No; just a test.

Mr. KOHN: I presume they refer to a test as a fire drill test, as to the emptying of the building.

Mr. ELKUS: Suppose we do take a fire drill test. The point is this, to find out by the people leaving the building, whether other exits are necessary; whether they should build more staircases. Take any day without any change, suppose a building one day is used by two hundred people to make the test and the next day it is used by five hundred people, do you think that method would be a very good test?

Mr. KOHN: I do not think it is a very wise way to do, but I think it is perfectly feasible. Your question was whether it was feasible.

Mr. ELKUS: No, practical.

Mr. KOHN: I doubt that.

Mr. ELKUS: I want to know whether it is practical?

Mr. KOHN: I do not think it is practical.

Commissioner DREIER: Would you limit the height of the buildings?

Mr. KOHN: Fireproof or non-fireproof?

Commissioner DREIER: Yes.

Mr. KOHN: For a factory?

Commissioner DREIER: Yes.

Mr. KOHN: Certainly.

Commissioner DREIER: What is the limit?

Mr. KOHN: I should not think anything over eleven or twelve stories should be permitted.

ROBERT GRIER COOKE, President of the Fifth Avenue Association, was then introduced.

Mr. ELKUS: Mr. Cooke, have you examined the proposed legislation?

Mr. COOKE: I have.

Mr. ELKUS: I would be glad to hear your opinion about the occupancy bill and the fire prevention bill.

Mr. COOKE: I have already, Mr. Elkus, conveyed to you in a letter, which I wrote to you some time ago, the suggestions of the association which I represent in regard to these bills. There is another very important matter that I should like to bring to the attention of this Commission. I have in my hands here a statement prepared by my associates and myself which voices the sentiments of our association, and also I may say of the representatives of every contiguous association, such as the Central Mercantile Association, although I do not directly represent it, in regard to one or two important sides of this investigation which I believe have not yet been presented to this Commission.

May I recall the fact that when we, accompanied by the Committee of Safety, went to Albany and asked to have this Commission appointed, we very distinctly specified that there were two sides to the investigation we were going to ask for. One was the safety of life; the other was the safety of property, and as I have already said, so far as I know the second one has not yet been presented, but the conditions that are involved are such that they must be met.

The great section which we represent, and of which we are the self-constituted guardians, has been very seriously menaced by the factory invasion, and property values, rental values, are deteriorating in our section, and the evil is growing.

At the time we asked for this Commission we considered it was an equally important thing for the Commission to investigate the possible regulation of such a movement as this factory invasion. I will prepare a statement for you which I shall be glad to present to you in any form you like.

Mr. ELKUS: We will make it a part of your testimony if you wish.

Commissioner BRENTANO: I suggest that that be done.

Mr. ELKUS: Will that be agreeable to you?

Mr. COOKE.— That will be good.

Mr. ELKUS: Is there anything else you would like to say?

Mr. COOKE: No, I believe not.

Commissioner BRENTANO: Mr. Cooke, is it not a fact that the Fifth Avenue Association expects this Commission to see whether any practical steps or measures can be enacted which will protect Fifth avenue and the streets adjacent thereto from the invasion of factories?

Mr. COOKE: It certainly is.

Commissioner BRENTANO: Has the Fifth Avenue Association, through its membership, as you have learned from your experience, and other associations also identified with the safeguarding of Fifth avenue, had any actual proof of what harm is coming to Fifth avenue, and is likely further to come to it, in property values, and in the business interests, through factories coming also to this district?

Mr. COOKE: If I understand your question correctly, we certainly have; we have the testimony of experts on all phases of the subject.

Commissioner BRENTANO: Do you believe it to be practicable, and has the association and its counsel any bill to submit to this Commission for such proposed measures?

Mr. COOKE: You say is it possible?

Commissioner BRENTANO: Yes.

Mr. COOKE: We shall be very glad to have the opportunity to do it.

Mr. ELKUS: What, to submit the bills?

Mr. COOKE: Yes.

Mr. ELKUS: We shall be very glad to take them; I wish you would send them to me right away.

The CHAIRMAN: I was going to ask you if you had looked into the legal side of the question?

Mr. COOKE: We certainly have.

The CHAIRMAN: Are you satisfied that can be done by legislation?

Mr. COOKE: I think so. I am not a lawyer myself, but the legal advice which we have taken has been very high.

Mr. ELKUS: I will be very glad to have your proposed bill, with your authorities on it, if you will let me have it.

Mr. COOKE: The legal authorities?

Mr. ELKUS: Yes.

The CHAIRMAN: Or we would give a half hour to your counsel.

ALFRED R. KIRKUS then addressed the committee as follows:

Mr. ELKUS: You are an officer of the New York, The Manhattan, The Central and Colonial Real Estate Associations?

Mr. KIRKUS: Yes.

Mr. ELKUS: And that is an association of property owners?

Mr. KIRKUS: Our four associations are property owners. These are separate corporations; they are not associations; they are owners of property.

Mr. ELKUS: How many members have you in these associations?

Mr. KIRKUS: They are stock companies.

Mr. ELKUS: How long have they been in existence?

Mr. KIRKUS: One has been in existence forty-three years; another forty years, and so on.

Mr. ELKUS: You have been kind enough to put your criticism of the proposed bill or suggestions in a letter which you have sent to us; do you wish to add anything to the letter?

MR. KIRKUS: Only that the unfortunate owner of real estate has so far to-day not been represented. If there is one man, or one class of persons —

MR. ELKUS: I think you are mistaken about that; we have had two representatives of the owners here.

MR. KIRKUS: They have not been the owners themselves. They have been representing societies who appear for owners. I represent the owners direct. We own the buildings ourselves, and have forty-six of them, and meet the different departments, I do personally; and it was for that reason I went over, in a modest kind of way, a few suggestions, a few remarks on the subject. We are wanting to try and concentrate the departments, or people that will take care of us, or order us, as much as possible, and to make these laws as simple as possible for the man who has to pay the bill as a rule.

I would like to ask the Commission, of all other things, to recognize the difference between an owner and an occupant, or the person who runs the factory. The owner cannot as a rule regulate the operative, or the party who runs the factory. At the present time the definition of a factory is so severe, that almost any store we have, or building we have, could be called a factory.

MR. ELKUS: What suggestion do you make about it?

MR. KIRKUS: I first ask that the Commission specify and as clearly as possible to define a factory from a mercantile establishment.

MR. ELKUS: How would you define a factory?

MR. KIRKUS: I was not prepared for that question but you have there —

MR. ELKUS: You see we are always met with this, Mr. Kirkus. It is of course much easier to say a thing is wrong, than to tell us how to make it right. We are trying to get light on all these things.

MR. KIRKUS: I have drafted these, what you call a factory might be a single occupancy, and it is absolutely safe.

Mr. ELKUS: You have criticised it. Now, I will be very glad if you will consider just how you would define a factory from the owner's standpoint.

Mr. KIRKUS: I consider a factory is a building which is occupied for manufacturing or changing goods, articles and that kind of thing, where operatives are actually at work; that is a factory.

Mr. ELKUS: How many operators would you have to have?

Mr. KIRKUS: They could have from — to make a factory in New York City I should say you could have from ten up.

Mr. ELKUS: Below ten, you would not call it a factory?

Mr. KIRKUS: I should not, under the conditions as at present — ten on a floor, I mean, or I will put it ten to a factory, if you like. At the present time that bill would make an ordinary wholesale drygoods store a factory.

Mr. ELKUS: No; a drygoods store; they do not manufacture.

Mr. KIRKUS: They pack goods and unpack.

Mr. ELKUS: That would be a mercantile establishment.

Mr. KIRKUS: It does not say so there.

Mr. ELKUS: Is there anything further you would like to say? What is your view about this proposed restriction about the height of buildings?

Mr. KIRKUS: I think it would be one of the best things that could happen to New York.

Mr. ELKUS: To restrict it?

Mr. KIRKUS: I think the sooner you restrict the buildings, the better in every way for the real estate owner as well as for the city, for factory buildings of all others, they ought to be restricted.

Mr. ELKUS: To what height?

Mr. KIRKUS: I should say a factory building in the city of New York might well be restricted to seven or eight stories.

Mr. ELKUS: Is there anything further, Mr. Kirkus?

Mr. KIRKUS: No, sir; except what I have detailed.

“ THE FIFTH AVENUE ASSOCIATION.

“ 542 FIFTH AVENUE.

“ NEW YORK CITY, *December 4, 1912.*

“ STATEMENT FROM THE FIFTH AVENUE ASSOCIATION.

“ 1. In explaining the attitude of the Fifth Avenue Association in appearing before your Commission, it should be stated that among all those of Greater New York who have given thought to the future development of the city, there is a great and irreconcilable difference of opinion.

“ One large body to-day believes that in all construction of docks, piers, subways, tenements, factories, homes, all of these, by some happy chance, will be built just where the natural and permanent demand would best place them; and that economic conditions and utterly free play, and unrestricted building plans as to height, location, and many other essential features, will result in the highest and most natural development of the city.

“ On the other hand, we have a large and growing body of people, who believe that the discovery and application by farsighted individuals, of the best location for development, and the greatest choice in architectural usage, will bring about safely and most properly, the city's safe future, and who, with a knowledge of the enormous economic waste due to the total lack of civic plan, in this and other cities, believe that it is essential for the immediate and constant care and the best interest of the city, to apply to it the training, intelligence, and disinterested judgment of a sufficiently large group of people to guide correctly along the best channels, the city's further development. This body believes that some assurance should be given to residential districts, to shopping districts, and to fine hotel districts, that the locations they select from time to time shall not be menaced over night by a kind or class of structures, and the use of such structures in their neighborhoods, as shall and do virtually destroy the comfort, value and attractiveness of their

respective hotels, shops and homes. They believe that a man is entitled to reach his home, and so also with the poorest dweller, by passing to and fro among streets as attractive as can be made and safeguarded for such purpose, and not through streets that by reason of lack of interest or foresight on the part of all of us are in a short time destroyed for every original purpose and hope of those who located there with some assurance of permanency.

"Other pressing questions arise, and exist unsettled, regarding building heights, safety from fire, dedication of certain parts of the city to certain kinds of business or purpose, traffic adapted to this, and some connected and related plan for meeting the present and future exigencies of this great city, and its people.

"These questions should be fought out now, and some decision reached, before we have permitted a condition that will need correction and can lawfully be corrected later. We need to appreciate more beauty, attractiveness of streets and buildings, as a city asset. We need to give greater stability to neighborhoods in real estate and taxation values, and for countless reasons we should decide whether the city will continue its present policy or adopt an advanced position step.

"2. The Fifth Avenue Association takes the position that Fifth avenue, and the streets in its immediate vicinity, in intent have been developed into the highest class of streets for modern retailing, for location of hotels, and, in part, for residential purposes.

"3. That in good faith and belief the avenue for such purposes would be thus preserved and improved, many merchants, hotel owners and others, have entered into contracts, lease and building enterprises, and property requirements, expecting also that no inimical causes would later develop which would be hurtful or destructive to such purposes.

"4. It is hoped that Fifth avenue will be so maintained, so far as wise guardianship can regulate, by legislation, by restriction, and by all other lawful means when necessary to safeguard the city's chief avenue.

"5. That nothing in building development would jeopardize more than hitherto the safety of property and life in Fifth avenue and in streets adjacent thereto, through any class or kind of building construction or the character of occupancy.

" 6. It was hoped that the architectural development of Fifth avenue construction, and effect of the whole avenue, would be engendered by the city as much as practicable, and that restrictions would be placed upon the height of buildings.

" 7. It is the belief of the Association that restrictions shall be placed upon the use of building locations on Fifth avenue, and in streets immediately adjacent thereto, to prevent the entire street from becoming in time a factory district, devoted in whole or in such large part to manufacturing as to first injure, and finally destroy, for all practical means the convenience and availability of Fifth avenue, and the cross streets immediately adjoining the same, as the great and fine retail, commercial, hotel and residential district of the city of New York. Factory employment cannot be carried on in immediate juxtaposition to the best retailing without driving out this retail, residential and hotel trade. Such movements have invariably followed the invasion by factory employments. Such a change would be of serious economic effect in the city's plan for taxation, and would have serious untoward results as a consequence in many unlooked for directions.

" City plan. The Fifth Avenue Association recommends a 'City Plan Commission' to take this up, and, with all other similar civic problems, to propose, and to plan and bring about a practicable realization of some betterment before it is too late, and it recommends the immediate restriction of factory employments, and of building heights within a certain prescribed distance.

" Further: Under the provisions requiring the Commission to recommend legislation which will promulgate the best interests of the community, the Commission has been urged by the Fifth Avenue Association, of the city of New York, the New York Chapter of The American Institute of Architects, and other associations of New York city, and individuals to recommend legislation that will safeguard Fifth avenue, and the streets adjacent thereto.

" The Fifth Avenue Association affirms, from a knowledge gained through people conversant with conditions, that the building and carrying on of factories and factory employments along the lines of and within the zone known as Fifth Avenue District, portends a serious economic menace to the entire community.

"It urges the views of many citizens, that the property value and taxable value of Fifth avenue, and the immediate vicinity thereof, is based upon the belief that such property will have stability of value for commercial purposes of retailing and merchandizing through offices and sales rooms; through the most attractive shops on the most attractive avenue in our city; through its hotels, private residences, churches and libraries, and its approach to Central Park. Its diversion of usage to its present or larger extent as a factory district, urges for them a grave peril for the future of Fifth avenue.

"It is stated that no manufacturing district and shopping district can exist in the same territory — manufacturing bringing property, eventually, to a lower level.

"It is a matter of common knowledge that the receiving and shipping of goods from many of the loft buildings in which factory employments are carried on, notably, the cross streets, is done to an extent that imperils the regularity of street and foot traffic.

"The Fifth Avenue Association has urged your Commission to provide in its recommendation for a City Plan Commission. It believes that such a Commission would be helpful, in reasonable time, in assisting in recommending measures essential to the best and safest growth of the city; to planning and providing for the future locality, so far as may be lawful, for land usage by the individual, while for his own benefit, but without permanent injury and danger and loss to the community interests."

ALBERT H. ATTERBURY, was then introduced and addressed the Commission as follows:

My profession is a lawyer, and incidentally I am one of the owners of what these bills call an existing factory. I do not come here as an expert on the details of these bills. I have been here all day listening to the testimony, and it seems to me that you have had practical details on the bills, and the methods of preventing fires, from people who are much more qualified to pass an opinion than I am.

But I would like to speak for a moment from the standpoint of the men that pay the bills, and who in the last analysis are the ones who have to bear the burden of this legislation. I have as much

sympathy as anyone in this audience with the business of protecting life in these loft buildings in New York. But at the same time, from the standpoint of dollars and cents, you have got to take into account the position of the owner of the property. I presume you can devise a system which will be ideal, and perfect mechanically, for the protection of life, but unless it is practical financially, it will work more harm than good.

Of course as to existing factories, you can pass measures which will bear very hardly on the owners, so hardly that it may result in confiscation, or very serious loss; but you cannot pass any measure which is going to draw capital into business in the future. If you make it so unprofitable for capital to venture into real estate in New York, it will simply stay out.

Mr. ELKUS: What is your practical suggestion about this, Mr. Atterbury? The situation is such that it must be improved, I think everybody agrees with that; how can it be made with the least injury to the property owner?

Mr. ATTERBURY: I am coming to that. I am speaking for those people who own factories which have been built under existing laws; their plans were filed and approved. Those factories were built under official inspection, and before they could be put in use they were approved by the authorities. On the strength of the certificate of approval, they had been mortgaged and bought and sold and a great deal of money has been invested in them. If now you pass measures which involve large structural alterations in those existing buildings, you are going to destroy a large part of the investment.

For that reason I have two suggestions to make about this. One is that you should not pass laws involving large, substantial structural alterations in any existing building except to the most limited extent, and in the case of the most absolute necessity. If you do, you simply find that you will confiscate to a considerable extent a great deal of the money invested in them.

To show how hard it may be, the building that I am speaking about is a small 25-foot 10-story fireproof building. To show how severe the financial burden has been, I will say that last year that building did not earn enough to pay the interest on the mortgages, the taxes, the water bill, and the cost of running the building.

Mr. ELKUS: That is where you have no limit of occupancy under the present law?

Mr. ATTERBURY: Under the present law. In other words, that building did not earn any interest on the investment, and it left an absolute deficit.

Mr. ELKUS: Isn't it because that type of building is outgrown; it has nothing to do with the law, or anything else. It is simply that class of building can no longer be used profitably.

Mr. ATTERBURY: Outgrown? It is only seven years old.

Mr. ELKUS: Yes; but that sort of building is not profitable commercially.

Mr. ATTERBURY: I am not prepared to say. I simply say if you pass a bill requiring us to spend \$6,000 on a sprinkler system, you are simply going to make matters worse.

Mr. ELKUS: There is no law here which requires you to spend any money.

Mr. ATTERBURY: I am stating that as an instance.

Mr. ELKUS: The particular bill proposed would not affect your building at all.

Mr. ATTERBURY: I presume it would.

Mr. ELKUS: You do not employ 200 people above the 7th floor in manufacturing, in that building?

Mr. ATTERBURY: I cannot say about that; the building is leased out in floors.

Mr. ELKUS: You have a building 25 by 100 feet?

Mr. ATTERBURY: Yes.

Mr. ELKUS: Ten stories high?

Mr. ATTERBURY: Yes.

Mr. ELKUS: There are three stories above the seventh floor. It is not within the realms of probability that there are 200 people above the seventh floor, so you would not be required to put a sprinkler system in it.

Mr. ATTERBURY: I simply mention sprinklers, because we have an outstanding order now.

Mr. ELKUS: That is under Commissioner Johnson's discretionary power with which we have nothing to do.

Mr. ATTERBURY: The second point is that I think as much should be defined in statute law as possible, and as little as possible left to the discretion of any administrative officer.

It is my experience that matters left to the discretion of administrative officers are passed on by subordinates, and mere understrappers, here to-day, gone to-morrow; men of no responsibility; men who are open, I won't say to improper influences, but have no particular interest in the matter in charge; and it is very difficult to get satisfaction from them. Matters of discretion involving the expenditure of money left to people of that kind is a very great hardship on property owners which they ought not to be required to submit to.

Let me give you an instance in this particular case. We bought this building five years ago, paid \$125,000 for it. It represents an investment of cash of about \$35,000 over and above mortgages.

That building was certified to us as having been built under all the provisions of law; the plans were filed, building plans, and the plans accepted. Inside of six months we got an order to install a water stand pipe, running to the top. If that had been ordered in the original plans, I suppose it could have been done for a couple of hundred dollars. Put in after the building was finished, it involved an expenditure of \$650 or \$700.

The building has three windows in the rear, and as built it had a fire escape covering two of those windows. A short time after the stand pipe was put in, we got an order from somebody else to extend our fire escape so that it would take in the three windows. That was done. About a year and a half ago we got an order from somebody saying, "Your rear fire escape is utterly useless, because it is on the rear; you have to put one on the front." We put one in front, taking in all the windows and this was added to the investment. Then somebody came along and said, "Your rear fire escape is in pretty bad order; you have to

fix it." I said, "You told us the rear fire escape is useless. Now can we take it down, having put up one in front?" They would not give any answer. There was not any person of responsibility who could say, "Take down your rear fire escape because the front one is sufficient." Not caring to take the risk on our own responsibility we put it in perfect order.

Then came an order making all the doors open out. Then there was an order to put in a sprinkler system, and put in an 8,000-gallon tank. That has not been done. Then there was another order, "you have to make all windows fireproof and put on iron shutters."

I simply give you these specific cases to show you how this discretionary power of administrative officers is constantly used to force liability on investors.

Mr. ELKUS: Then you differ from these other gentlemen; you are in favor of specific provision in the act?

Mr. ATTERBURY: I would favor specific provision so far as possible. When discretionary power is to be vested in anyone, it ought to be vested in a disinterested board and ought not to be one of those packed boards of three in which the property owner has one representative and the city has two. I think, in other words, if the fire department appoints one and the property owner appoints another, then those two should have the right to choose the third, so that there should be some disinterested person on the board.

Mr. ELKUS: You say you have an order to put in a sprinkler system and have not done it; have not they endeavored to enforce the order?

Mr. ATTERBURY: I don't know. It is a case of raising the dust, the dough. We have not got the money. We have spent about 7 or 8 per cent. of the cost of this building through the orders since the building was bought, and as I told you, last year it ran into a deficit.

Mr. ELKUS: Of course we have nothing to do with the situation of which you speak; it is not within our province at all. The point here is this: That it may be very well true that under

prior laws they did not take into consideration how the building should be built in a way to make it practically fireproof and properly safe; but as a lawyer you would not want to say that that is a sufficient reason for not having it done now.

Mr. ATTERBURY: Most decidedly; the question of a lawyer has nothing to do with it. It is a question for a financier.

Mr. ELKUS: The question is this. What we would like to get at is what is the best and cheapest and least harmful and least oppressive means of getting at the object which we are trying to get at—that is, to get as much reasonable safety as we can for people who are employed in these buildings.

Mr. ATTERBURY: Very well. The landlord, as the gentleman who spoke here last said, the landlord, the property owner has very little to do with the fire hazard in these buildings. He turns over to the occupant a fireproof building, equipped with fire escapes, stand pipe, doors opening out, water buckets, and all the rest. Now it is up to the law to bring pressure to bear on the people who cause the fires—I do not mean intentionally, but by carelessness.

It is useless to provide fire buckets if he does not keep them full. It is useless to provide doors opening out if the law allows him to lock them. It is useless to provide fire escapes if they do not have fire drills. It is useless for the landlord to provide safety from a fire if the people are allowed to smoke cigarettes, and keep piles of rubbish and inflammable stuff laying around which causes a fire.

Mr. ELKUS: Then you are in favor of all of these bills which prohibit smoking and compel the occupant to provide proper receptacles for rubbish, and compel the removal of rubbish, and compel fire drills?

Mr. ATTERBURY: I have no doubt the bill should require all that. What I want to see is the law enforced. You can forbid Rosenthal, or whoever he is, from smoking a cigarette; who is going to enforce it?

Mr. ELKUS: What do you suggest should be done?

Mr. ATTERBURY: I suggest that you make a simple law and enforce it. The trouble is they don't enforce it.

Mr. ELKUS: You mean the authorities do not enforce the law?

Mr. ATTERBURY: Precisely. I have no doubt that what was suggested is very true, that a great deal of this is done to get insurance.

Commissioner BRENTANO: I would like to ask you, in what length of time have all these requirements come to this building?

Mr. ATTERBURY: They came within a period of about four years, as nearly as I can remember.

Commissioner BRENTANO: In four years' time?

Mr. ATTERBURY: About that.

Commissioner BRENTANO: That is a series of orders?

Mr. ATTERBURY: Yes.

Commissioner BRENTANO: Were any of these orders appealed from?

Mr. ATTERBURY: To whom?

Commissioner BRENTANO: To those who gave them, gave the respective demands.

Mr. ATTERBURY: Yes; one or two. I do not expect to get any relief. I appeal from John Doe to Richard Roe and do not get any satisfaction. I was passed on from A to B, to C, from one understrapper to another. I object, as a lawyer, to going before some political officer, getting a salary, and begging and pleading before him. If I want to appeal to anybody, a property owner has the right to appeal to the law.

Commissioner BRENTANO: He certainly can enjoin any of these acts, if he deems them unreasonable.

Mr. ATTERBURY: The remedy is so complicated, it simply does not pay.

Mr. ELKUS: To enforce this order to put in sprinklers, they have to bring proceedings against you, don't they?

Mr. ATTERBURY: I don't know what the proceeding is.

Mr. ELKUS: As I remember, they bring some kind of proceeding.

Mr. ATTERBURY: I am waiting in fear I may find out what the proceeding is.

Mr. ELKUS: I want to know how they let up on you for a year and a half?

Mr. ATTERBURY: I don't know.

The CHAIRMAN: You did not have the order for automatic sprinklers reviewed?

Mr. ATTERBURY: Our manager I think went before the assistant fire chief and pointed out the hardship of it. If your bill says that only in those factories that have 200 people above the seventh floor, if you limit the sprinkler system to that, it shows that the fire chief's order was rather unnecessary.

Mr. ELKUS: That is according to your view?

Commissioner BRENTANO: It is not the law now.

Mr. ELKUS: Where is your building located?

Mr. ATTERBURY: North of 14th street and south of 18th street.

The CHAIRMAN: The factory section?

Mr. ATTERBURY: The factory section.

Miss FRANCES PERKINS was then introduced and addressed the Commission as follows:

Mr. ELKUS: You have been before the Commission before; I would like to know if you speak in behalf of some conference of different persons?

Miss PERKINS: Yes.

Mr. ELKUS: Will you state for whom?

MISS PERKINS: In behalf of the Committee on Safety. To-day I represent not only the Committee on Safety, but a conference of organizations called the Civic Organizations' Conference on Public Safety, which has been meeting for the last two months for the expressed purpose of discussing this proposed legislation and formulating an opinion as to a set of recommendations which we might all indorse. These organizations are:

Allied Real Estate Interests.

American Institute of Consulting Engineers.

Brooklyn Chapter, American Institute of Architects.

Brooklyn League.

Citizens' Union.

City Club of New York.

Committee on Safety.

National Board of Fire Underwriters.

New York Board of Fire Underwriters.

New York Chapter of American Institute of Architects.

New York Society of Architects.

Joint Labor Conference on Workmen's Compensation.

Committee of Lawyers acting as Advisors to the Counsel of the State Factory Investigating Commission.

These organizations were represented in this conference, and this memorandum has been referred to their executive committees or boards for indorsement, and is presented to you with their indorsement.

MR. ELKUS: Has it been indorsed?

MISS PERKINS: It has been indorsed by the executive bodies of each of these organizations here mentioned, and it is presented for them.

The first point I wish to make is that the legislation presented, as at present drafted, does not provide adequately for the safety of factory workers and factory properties, for the reason there is presented with these bills no regulations, no requirements for the building of new factory buildings.

These bills, I understand, apply entirely to existing buildings. We feel that there should be, at the same time these bills are pre-

sented for discussion, for reference with these bills, a bill providing very strict regulations for the building of new factory buildings. Some of the regulations in these bills refer to such a proposed law in reference to new buildings.

Also, if this legislation in regard to existing buildings is to go into effect at once, it is going to make a necessity of comparison of new buildings with old buildings, and if new buildings are not being built in conformity with the requirements for these buildings, there will be a question on the part of the manufacturers and owners in making the required changes; so we would recommend the immediate drafting of fixed legislation as we understand you to have in mind, and that you present such drafts to the public for criticism, discussion, and for support, just as these bills have been prepared. I believe you will realize there has been a large body of support for the bills, because so many persons have had the opportunity to express to you their views, and have their views incorporated in the legislation.

Mr. ELKUS: Of course you know it is not usual to have such bills prepared and discussed in advance.

Miss PERKINS: Since you have established the precedent, we want you to go farther. The conference finds itself in accord with the purpose and principle of the five bills, but finds many of them can be improved, both in form and principle, and presents this memorandum with that in view.

There are two or three of the situations that I should like to discuss here, as they are important questions, raised by members of the Commission.

Bill No. 2, to amend the Labor Law in relation to fire alarm systems and fire drill. This conference felt, after a rather long discussion of the matter, that the fire drill as defined by your bill was not sufficiently definite to secure safety to the occupants of those buildings in which the fire drill was established. That is, it simply requires there shall be a fire drill not less than once a month, subject to the supervision of an authorized representative of the fire department. It does not specify what shall be considered a fire drill.

Mr. ELKUS: Does not the bill provide that the Fire Commissioner shall make rules and regulations?

MISS PERKINS: Provides that he may, but not that he shall. This law might be in effect in such a place where a fire drill was allowed to pass as a fire drill, provided the people got up and stood behind their chairs when the bell rang. It seems to me that the fire drill should be defined in some such way as to read as follows:

"A fire drill shall be so arranged as to conduct every occupant of such building within three minutes of the sounding of the alarm, to the street, or to an open court having direct means of egress to the street by means of an alley or fireproof passage, or to any portion of the same or an adjoining building which has independent means of egress to the street, and which is separated vertically from the section of the building in which the alarm is first sounded, by means of a standard fire wall, the only openings in which are guarded by self-closing fire doors."

MR. ELKUS: How many minutes?

MISS PERKINS: Three — that is, conduct all occupants to a place of safety; not necessarily out of the building.

MR. ELKUS: Supposing they did not get out in three minutes; what would you do?

MISS PERKINS: Your fire drill is supposed to get them out. If they cannot, of course your bill, your "occupancy bill" has been drawn with a standard in mind which you believe will make it possible to empty such buildings in three minutes.

MR. ELKUS: I just want to know what the penalty will be.

MISS PERKINS: To reduce the occupancy, I suppose.

MR. ELKUS: How would you do it?

MISS PERKINS: I think that the occupancy bill as you have drafted it will reduce that occupancy.

MR. ELKUS: I do, too; I wanted to get your view of what would happen in case they could not get out.

MISS PERKINS: I should penalize the tenants to such an extent they must reduce their occupancy. I do not mean this at all to be adapted to a safety test.

Mr. ELKUS: We have witnessed a lot of fire drills.

Miss PERKINS: Yes.

Mr. ELKUS: You know perfectly well, when the occupants are having a drill they all know it.

Miss PERKINS: Yes.

Mr. ELKUS: They know there is no fire, and do not hurry very much; if they did hurry they could all get out in much less time than they take otherwise.

Miss PERKINS: I do not know that that is quite so. I think that a good fire drill does get the people out in as short a time as possible.

Mr. ELKUS: Isn't it impossible to say whose fault it is that they do not get out? The landlord, the owner of the property might say, "Why, I have done everything structurally to get them out; they won't walk fast enough because they don't like to bother with these fire drills."

Miss PERKINS: Well I presume they might, but if the purpose is to arrange a fire drill —

Mr. ELKUS: Understand, I simply want to call your attention to the practical questions involved. I think if we could get everybody to act in the right spirit, there would not be any trouble. Take a school, where the children hurry out, of course, under discipline, it is all right, but you know how it is with the employees of a factory. They will not hurry out when there is an alarm; they know it is only a drill and they take their time. The women stop and put on their clothes, and some woman stops to fix her hair.

Miss PERKINS: I have seen factories emptied in a very short time with people moving as rapidly as they could, in rapid and orderly fashion, emptying the building with great rapidity.

Mr. ELKUS: In most of the fire drills I have seen, they take their own time.

MISS PERKINS: I have seen buildings emptied in from three to five minutes.

Commissioner BRENTANO: What areas?

MISS PERKINS: Buildings of 1, 2, 3, 4 or 5 stories and varying say from 2,500 to 5,000 square feet.

Commissioner BRENTANO: Do you know the number of people?

MISS PERKINS: The largest number I think I ever saw come out of one building at one time was 900.

Mr. ELKUS: We saw 3,000 people. I think it took them five minutes or more to get out — five to seven minutes. That was supposed to be a very well managed plant.

MISS DREIER: I saw them get to a place of safety in a minute, at the National Cloak and Suit Company.

Mr. ELKUS: No; I mean a cigar factory, took seven minutes to get out, but I have not the slightest doubt if there was a real fire, they would have gotten out in three or four minutes.

Commissioner BRENTANO: I should like to ask, if upon the failure at one time to empty the building in three minutes, that building should be condemned?

MISS PERKINS: I think not; I think there should be more effort made to rearrange the fire drill.

Commissioner BRENTANO: You mean they would not have to apply the test to one drill?

MISS PERKINS: No. I understand the drills should be subject to the supervision of an authorized representative of the Fire Department, and that officer will be supposed to use discretion in regard to the matter of a test.

This Conference I represent believes the automatic sprinkler requirement is not drastic enough, contrary to most of the opinions expressed here to-day. It is simply a statement.

MR. ELKUS: You think that we are all right as far as we go, but that we ought to go farther?

MISS PERKINS: As far as you go. An automatic sprinkler undoubtedly does prevent fire and is a very valuable asset in protecting property against fire, and in fact the whole city against the spread of fire. Therefore we believe, if the law is to require the installation of such sprinklers, they should be installed in other buildings than those specified; they should be in buildings over fifty feet in height.

This Conference also wishes to put itself on record in regard to the standards required for the construction of automatic sprinklers. We believe that all standards and requirements for sprinklers established by the officials mentioned in the act as you have drafted it should be published in the City of New York, in the city record and elsewhere throughout the State, in such publication as may be designated by the Governor, and no changes shall be made in those requirements and standards without public notice and public hearings. That can be taken to apply to all established standards as they are covered in these bills.

Bill No. 4, to amend the Labor Law in relation to stairs and doors, and fire escapes and exits. There is a confusion throughout the bill in regard to whether it really applies only to existing buildings, or both the new and existing buildings. It is not made quite clear in the context of the bill.

There are certain omissions in this bill which we would like to call to your attention.

The kind of fire-escapes described by this bill is not a good or safe means of exit; it is so admitted by most persons. We feel it should be recognized as a permissible means of exit from any building only in case no better means of egress is possible in that building, and that it should not be given the value it is given in this law regarding exit facilities for all buildings; that there should be some other form, if possible, and that this form should only be allowed as an auxiliary means of exit when nothing else can be devised.

In requiring two means of vertical egress, there is no allowance for a smokeproof tower or enclosed staircase as a substitute for a fire-escape.

Mr. ELKUS: There is, Miss Perkins; you are mistaken about that.

Miss PERKINS: There is? I have misread the bill. Do you not state "one of which must be an outside fire-escape"?

Mr. ELKUS: One of which may be an outside fire-escape.

Miss PERKINS: This bill is supposed to include stairways, but the subject-matter pertains almost exclusively to fire-escapes, exit lights and fire doors.

Mr. ELKUS: No; that is a sub-heading.

Miss PERKINS: It does not make sufficient provision for staircases and their construction. It does not make requirements in regard to a fireproof enclosure of stairways in the buildings; but I understand now this does not apply to new buildings?

Mr. ELKUS: No; it does not.

Miss PERKINS: It does not make requirements for minimum widths of stairways, or intermediate landings, or regulate winders, or require the continuation of the stairs to the roof. It does not regulate the use of revolving doors as means of exit, and I feel that in any bill dealing with exits, there should be a specific regulation of the use of those doors. They probably should not be used, except in certain cases where they are immediately adjacent to the ordinary swinging doors, which can be freely used without the danger of blocking.

I wish also to point out that this bill does not make requirements for the enclosure of elevator shafts sufficiently to prevent the spread of fire from floor to floor.

Bill No. 5, in relation to occupancy meets with the approval of this conference, with the following recommendations: Bill No. 5, in establishing the relation between the number of occupants and the minimum width of stairway, does not state whether or not such stairway must be enclosed in fireproof partitions. I believe that should be the case.

Mr. ELKUS: It depends upon the character of the stairway and the character of the building. In some cases it must be; in other cases it need not be.

Miss PERKINS: I do not think it is quite clear enough. In the word stairway, you mean to include all required or approved forms of exit. That is, if an outside iron stairway, (we will not say fire-escape,) has been ordered on a building, should it, or should it not be allowed in reckoning the occupancy of that building?

Mr. ELKUS: I suppose it would if it was adequate and proper.

Miss PERKINS: Is it an approved form of exit?

Mr. ELKUS: It certainly would be allowed.

Miss PERKINS: If an inferior stairway, it should not be allowed to count unless it is an enclosed stairway.

I make this criticism for this conference that the enclosing of balconies, connecting adjoining buildings need not be of fireproof material.

Mr. ELKUS: You heard what Chief Kenlon said; you agree with him?

Miss PERKINS: I agree to a large extent, but I believe, and the Conference believes, such balconies should not be allowed unenclosed, unless all the openings and windows opening on such balconies, or directly below them are encased with metal sash and have wire glass where glass is used. If the windows directly below are wire glazed, the lighter form of construction probably would be a wise form, and will encourage the building of horizontal exits, which I understand, your Commission wishes to encourage.

One suggestion I wish to make is that in this bill in regard to occupancy and exits, there is no provision made for the increase of occupancy in fireproof buildings where certain floors, in order to increase their occupancy, have been divided by what are known as fire division partitions which do not extend from cellar to roof throughout the building.

There are a great number of people who think that in a fireproof building which has incombustible floor finish, and with metal, or metal covered window frames and sash, automatically closing, with wired glass glazing and metal or metal covered frames, trim,

casings, etc. throughout, there should be an allowance for lighter construction, of a six-inch or a four-inch wall, which does not go from the cellar to the roof, but simply goes from the floor to the ceiling. There might be an allowance for increased occupancy on such floor. We, of course, meet the situation that many buildings have a very high degree of occupancy on some floors and only a few on the others. That would encourage the building of horizontal exits in such buildings.

We also wish to recommend that there should be a reduction of occupancy, of possibly twenty-five per cent., if any of the stairways in those buildings have steps of the type known as winders, realizing that not so many can come down a winder as an ordinary stairway, and there should be a reduction of occupancy allowed if the winders are used.

It is also suggested that since these bills are to be enforced in the city of New York for the most part by the Fire Department, some provision should be made for their enforcement, and for the establishment of standards, which is analogous to the provision made by your Commission for the establishment of standards in the Department of Labor through the Advisory Committee.

MR. ELKUS: Have you considered who should be members of the Committee?

MISS PERKINS: Yes. The conference makes the recommendation, which is by no means a final opinion, that it might be well to include the building superintendents of the five boroughs, the fire commissioner, and any other experts who might be suggested. This board could govern the fixing of standards, and the rules and regulations for enforcing the law.

There should be also, I believe, an amendment of the Fire Prevention Law which will call for the publication of such standards, exactly as the Board of Health is now authorized to publish the Sanitary Code, with due hearings, and notice when changes are to be made.

In behalf of the Committee of Safety—what I have now to say is not endorsed in toto by the Conference—I wish to present to your Commission the following opinions:

That there shall be no increase of occupancy allowed in building because that building has automatic sprinklers. Your bill makes an allowance of 50 per cent. increase in occupancy. We believe the automatic sprinkler in no way facilitates exit from a building; and since we are attempting to provide exit facilities, for every person, the mere installation of sprinklers should not be allowed to increase the occupancy.

The CHAIRMAN: There is not much chance of the fire spreading.

Miss PERKINS: There may be; in certain industries there is. There is a record of sprinkler failures admitted by the sprinkler companies themselves of about 4 per cent., in buildings which have sprinklers, and which were recorded as sprinkler failures. That is a small proportion from an insurance man's point of view; but in any one of those buildings where a sprinkler failure occurred there might have been a frightful human disaster. An analysis of the causes of the failures reads like this: The water was turned off for repairs; the system was out of order and was being repaired at the time; there was an explosion which broke some of the pipes in the system; the walls of the adjoining building caved in and upset something.

That gives you my point, and in case the sprinkler does not work, and if you have provided for half as many people again, in case of such an emergency, in this 4 per cent. of cases, you will have a frightful human disaster.

While I believe that we should require sprinklers in buildings where they are needed to prevent fire, and where they may presumably prevent fire, and protect the city against fire, I do not think we should place reliance upon them as a means of exit for human beings in case of fire.

Mr. ELKUS: You do not think any credit should be given them?

Miss PERKINS: Not for occupancy, no; and the Committee on Safety wishes to be regarded as holding that opinion.

Mr. ELKUS: Do you favor the principle of these bills regulating occupancy?

Miss PERKINS: Absolutely.

Mr. ELKUS: It has been suggested to the Commission that a bill be simply enacted which requires all buildings, new and old, should be tested, so that all the occupants could leave the building within three minutes, and then if they do not, they should be required to provide a means of egress sufficient to let them out, and that is all we should test. Do you think such a bill would be practicable?

Miss PERKINS: No; I don't think it would be practicable, and for these reasons: That under an ideal form of government we might possibly make such a thing as that work, but at present we are dependent upon personal judgment in these matters. To people who work in that building, or you and I and other interested civic bodies who may go into the building to see whether the law is being enforced or not, somebody states that that building can be emptied in three minutes. We cannot go and order a fire drill any time we wish to know if it can be emptied in three minutes. The occupancy may change from week to week, as well as from year to year, and there is no guarantee that the building is in a constantly safe condition; whereas if the law does require such things as a relation between the number of people and the width and the number of exits, you and I can go in, any time, and measure up the stairways, count the stairways, count the people, and do a simple sum in mental arithmetic and see whether the law is being enforced.

Mr. ELKUS: I think you have expressed the view of the Commission.

The CHAIRMAN: Clearer than we could do it.

Miss PERKINS: Of course the price we pay for our democracy is that we have to do these things ourselves.

Mr. ELKUS: As I understand your suggestion, they are mostly as a matter of detail, rather than any great substance?

Miss PERKINS: Yes. The statements I am now making are on the authority of the Committee on Safety alone.

Mr. ELKUS: Did your conference find it serviceable to have these bills submitted in this way?

Miss PERKINS: Very.

Mr. ELKUS: Long before the legislation comes up in the Legislature?

Miss PERKINS: Very, and I think you will find in the long run it has been serviceable to you. I think you will find it valuable for the program of this Commission; by so submitting the bills at an early date, you have enabled people to express opinions and lined up the body of public opinion in support of these measures. Therefore I urge that every bill you propose to submit to the Legislature should first be made public and circulated, as you have circulated these bills, to the various bodies interested.

Mr. ELKUS: The only bill that has not been drafted is the building code. I think we are getting at that in the conference of all the advisory boards, and the public. It will be in very simple form and be circulated.

Miss PERKINS: Just generally?

Mr. ELKUS: By a general bill.

Miss PERKINS: I want to make the suggestion also that there should be presented by this Commission some recommendation in regard to the suggested amendments to the fire prevention law, providing for an advisory committee to establish standards and requiring the publication of those standards, the codification of such standards and regulations, and possibly requiring some changes in the make-up of the board of survey.

Mr. ELKUS: That is the Bureau of Fire Prevention?

Miss PERKINS: The Bureau of Fire Prevention in this city. I think such a change would make for a much more adequate and efficient enforcement of the fire prevention law in

New York city, and meet with much more public approval and public favor.

Mr. ELKUS: What have you to say about the Fire Prevention Bureau?

Miss PERKINS: In what way?

Mr. ELKUS: Did you make any investigation of it?

Miss PERKINS: We have. In the course of our work we have come in contact with the Bureau of Fire Prevention a good deal. My own opinion has been, and the opinion of the Committee on Safety has been, that the work of that Bureau has been disappointing in the first year of its life; that it has not adequately faced the situation of fire prevention in New York city.

The two chief points on which I believe they have failed are points which could be met by just the recommendations I have made. The weak spot has been, in the failure of that Bureau to codify and publish its own requirements. There has been discretionary power placed in that Bureau, and the Bureau has not seen fit to make public the findings which it can make under its discretionary power, and to publish a set of rules and regulations similar to the Sanitary Code of the Board of Health, which shall have binding effect at law upon the property owners.

If such a set of regulations had been drawn up, carefully thought out and circulated among the property owners, among tenants, and employees, and also used as a code and a standard for the work of the Bureau of Fire Prevention, I believe much of the friction developed this year might have been eliminated, because there would have been a convenient code, which could have been brought forth in support of the orders and of the regulations.

Commissioner BRENTANO: Do you believe they have had a fair opportunity to gather experience to safely formulate a code or a set of rules?

Miss PERKINS: Yes; I do; because they had at their disposal the experience of the building department, the experience of the tenement house department, the experience of the very valuable and successful investigation into fire hazards conducted by this

Commission at very large expense to the State, and also the information which must have been in their hands through years and years of inspection of buildings by the uniformed firemen; so I think there has been a mass of information, which if properly studied and properly looked into, could have been codified into a set of regulations. Those regulations, of course, might have been changed from year to year through hearings and publications.

Commissioner BRENTANO: I think the Commission will agree with you that it is necessary and essential to the proper conduct of the duties imposed upon the Bureau; it is simply a question of whether they could have been prepared within this time.

Miss PERKINS: I think it might have been done. I believe also the system of inspecting could have been greatly improved by consultation with persons who have been in the habit of conducting investigations and inspections, and the advice of the employees of this Commission, I understand, has not been sought in drawing up the inspection system of the Bureau. There was a very valuable inspection made under your direction which pretty adequately covered the situation. I think that might well have been incorporated in the early plans of that Bureau, and if there had been an advisory board, it undoubtedly would have been done.

Commissioner DREIER: May I ask you whether your co-operation has been sought, or have you received co-operation from the fire department in any way. As I understand it, you represent the Committee whose business it is to help work out plans for the protection of life.

Miss PERKINS: I believe I am correct in saying that our co-operation has not been sought. It has frequently been offered, and in a number of cases I believe it has been taken — our co-operation has been accepted, but not for any great length of time. We have a system whereby we make complaints to the Bureau of Fire Prevention, on the basis of the investigation and inspection which our inspectors make for a period of time. There was very little attention paid to these complaints. I am glad to say that now there is more attention paid to them. I believe it is because the policy of the Bureau has changed in regard to complaints, and

they are now dealing with the complaints of citizens in more detail than they were able to at first; but I can hardly say there has been active co-operation between my Committee and the Bureau of Fire Prevention.

I want to bring to the attention of this Commission another point in regard to extra hazardous industries, which I believe should be subject to special regulations. We come constantly against this question. What is safe for an ordinary factory and does provide real, normal means of safety, does not provide the means of safety for the occupants of a celluloid factory or a starch factory, which are particularly hazardous. Neither can you make a set of rules equally applicable to a starch factory and celluloid factory.

If you are going to create an Advisory Committee in the Labor Department, which shall have power to make special rules and regulations, that Committee should be specifically charged by your Commission, in making its recommendations, with the duty of studying the conditions of industry in extra-hazardous trades, and providing special requirements for safety devices, safety appliances and an excess of the usual number of exits, and the different placing of the exits, in factories where extra-hazardous industries are to be carried on.

Special regulations should be made for those industries to look out for the dangers of explosion, which are very great, and I think you might include that among your list of regulations.

Commissioner BRENTANO: Would you place the duty in the Bureau of Labor?

Miss PERKINS: I think the regulations surely ought to be in the Labor Department, resting in this Advisory Committee, which should have power to subpoena witnesses and gather all possible information in regard to those industries.

I also want to recommend that if horizontal exits between adjoining buildings are allowed to increase occupancy, a watchman be employed in those buildings to see to it that such exits are always in operation; that these exits be not closed at a time when only one of the buildings or one factory has ceased work for the

day, while the other is still working, thus placing a false reliance on what would ordinarily be a good means of exit if it were open.

The Committee on Safety wishes to urge upon you the passage of not only this legislation, but of as much more legislation along these lines as you can devise. A great deal of testimony is being given to you to try to influence you to the belief that this legislation is too drastic. I want to say for the Committee that our investigation into the fire hazard in New York city leads us to believe your legislation is not by any means drastic, and in our opinion it is not sufficiently drastic, and we would like to urge you not to hesitate one moment to make your position clear to the public.

Mr. ELKUS: Is there any representative from the Realty League, the Real Estate Owners' Association, or the Merchants' Association?

(No response.)

Mr. ELKUS: Those three Associations were invited to send representatives.

WILLIAM GUERIN, deputy chief of the fire department, and acting chief of the bureau of fire prevention, was then called upon to state his views of the proposed legislation, as it affects the fire department.

Mr. ELKUS: We will be glad to hear your views upon any of these bills, and upon any matter that we have under consideration.

Mr. GUERIN: It would seem that the department must apologize for its sad lack of efficiency generally. It seems from the remarks of nearly everybody present that it discharges its duties rather slothfully, inefficiently, and all but viciously.

Whenever there has been a board of standards recommended, of any kind, almost everybody on the face of the earth is recommended as a member of that board, except a representative from the fire department, which for forty years has fought and made standards for building construction that are in use to-day. I just remark that in passing.

There was a gentleman on the stand this morning who testified to the inability of anybody but the insurance industries to qualify as experts in the matter of sprinkler equipment, where the same were necessary.

I am going to state to you, gentlemen, and Miss Dreier, a typical instance of what happens in these matters. When the bureau of fire prevention was established, there were no standards of any kind to go by, and one of the first moves that Commissioner Johnson made last February, was to appoint a board of standards, consisting of Deputy Commissioner Glennon, Chief Kenlon, and myself.

We have met twice a week when practicable, to devise these standards, and pass on appeals. We had no data, but somebody had to create these standards, and it is no easy matter. Many experts have struggled for years to establish a building code, and we haven't got it yet. The work of establishing standards for the bureau of fire prevention is no less trying, yet demands are made that these standards should be forthcoming.

The members of the board are not inspired; they are human agents, giving the best that is in them to the work, but we ask to be allowed to be as human as the rest of humanity.

Every proposition set forth as to the publication of the standards has already been taken care of by the fire commissioner, and as soon as we get even one chapter of the standards ready for publication, it is the intention of the commissioner to give them the widest of publication.

The gentleman representing the insurance industry this morning said we were incompetent to establish proper conditions for sprinkler equipment. I am going to cite a sample of how we differ from the insurance people in these matters.

There is a celluloid factory, four stories high, in Williamsburg, with possibly 150 or 200 people in the building. They applied to the underwriters to approve of the sprinkler equipment for that building. The plans were passed by the board of underwriters, showing only one single street connection to an 8-inch main in the street. Those plans were sent to the fire department, and were not approved, and are not approved yet, nor will they be

approved until the man puts a tank on his building to give us an additional water supply. It is a common occurrence for street water to be turned off in a street, daily, almost, and especially in a section like Williamsburg.

There is one reason why we differ with them; that is only one sample. I will leave it to the ordinary layman walking the street if our judgment is not superior to the underwriters in that particular instance.

The matter of sprinklers was brought home to us very strongly by the Asche Building fire. It was shown then that the limit of prompt assistance to the people in the factories did not extend above the sixth and seventh floors. These people must be taken care of; they must be helped in some way. As to the manner that shall be done, this committee shall naturally work it out, but there must be given some prompt means of protection.

Nobody claims the sprinkler to be infallible. The sprinkler has a record, from a great number of fires, of an average of less than 4 per cent. of failures. Now, if that 4 per cent. is widely distributed, there are thousands and thousands of factories, the chances of it occurring in any one place is most remote. We do not know where loss of life may occur. It may happen in any building, but the chance is so small and the return is so great, that it is almost the duty of this Commission, in my opinion, to order in sprinklers for the protection of factory workers.

Whether that shall be mandatory or discretionary, is a very large question for discussion. Section 762 of the charter, which has been repealed and now is a city ordinance — this took effect December 19, 1911 — for a great number of years, not less than a dozen, or possibly twenty or more, contained a provision by which the fire commissioner could order fire sprinklers in buildings. Whether any fire commissioner in the past — we have had good, bad and indifferent — has ever abused that power, stands upon the record. I can safely answer that question, that in no case can it be shown successfully that any fire commissioner, under any condition, whether single headed, or a three headed commission, ever abused that discretionary power.

The present fire commissioner I had intimate relations with, as any man at the head of that bureau must have. He has laid down

a few cardinal principles for the government of the bureau. First, no installations of any kind, except they are necessary, absolutely, for the protection of human life; secondly, at the least possible expense to the owner. Those two cardinal principles are worked out in every move of the Bureau. Whether his successors will do so or not, I am not prepared to say, but the past has shown that, and the present.

There must be a large measure of discretion left in the fire commissioner. You cannot provide for everything by law, and while our general government is naturally not entrusted to any one man, as I said before to-day, the system of American government is not dependent upon any one man, that applies to State and national, and not to municipal government. Our municipal government is becoming each year more and more one of individualism, or individual responsibilities. The whole cry of the Asche Building disaster was lack of responsibility, this bureau and that, and somebody else had a finger in the pie. You could not go up to one man and grab him by the collar and say "go to jail for your negligence," you could not do it, but you stood helpless. There must be some responsible man. The only success that the fire prevention bureau has had has been from the fact that instead of going to collect penalties, we have put men in jail, and we enforce it by criminal prosecution. There is something said about the laws being very good, but not effective. You quoted the "no smoking" law. I think we have got about 125 arrests to our credit for violations of the No Smoking Law, with possibly 65, or 75 convictions, with no fine less than \$20, and some of the fines up to as high as \$50; and I will guarantee that inside of 90 days I stop smoking in the cloak and suit industry in New York city.

Mr. ELKUS: That has been a very effective law, hasn't it?

Mr. GUERIN: Absolutely. It is a law that is not a dead letter.

Mr. ELKUS: No; I think it has been very effectively enforced.

Mr. GUERIN: And it will stop the smoking in factories, which is a prime source of danger.

Mr. ELKUS: Do you know anything about this man's case, who came before us this afternoon?

Mr. GUERIN: I do not recollect it distinctly. I can say safely that the installations of sprinkler systems ordered by the fire department in many instances cost only 50 per cent. of that ordered in by the underwriters, and in my opinion are just as effective.

Mr. ELKUS: Yes; twenty-five per cent, I think.

Mr. GUERIN: Well, I will say as a general proposition, they won't cost more than 50 per cent., and will be, if not as fully effective, I will say 95 per cent. as efficient as compared with the others.

To give an illustration of the appliances we approve of that are not approved by the underwriters in some instances, or why they do not cost as much, we generally require that one sprinkler head will cover one hundred square feet, always taking into consideration the peculiarities of construction that might interfere with the proper distribution of water in that area. We find that some of the plans submitted to us which have been made by the underwriters are overloaded with sprinklers heads, these heads costing on an average of a dollar, or a dollar and a half, sometimes two dollars a piece. That is why the cost runs up. There are about seven heads approved by the underwriters. In addition to those heads, there are two which the present board of standards has tested out, tried, and passed successfully, and which we will approve of when installed.

The Board of Standards are prepared to receive any heads now that a man thinks will stand the test, and while our test does not extend over a period of a year and a half, as required by the underwriters, it does cover a period of thirty days; the test is identical with that of the underwriters, and of such a nature that where the tests are sustained continuously for thirty days, if there be any mechanical defects it will be very apparent.

Mr. ELKUS: Do you see any reason why the insurance companies should not be compelled to accept in New York city, anyhow, the other two heads which your department has approved after careful investigation?

Mr. GUERIN: None whatever; and in addition to that, one of those heads, has been before the underwriters for over a year, and

since we got busy on the matter and passed that head, they got favorable reports on their heads.

Mr. ELKUS: How long is it since the Board of Underwriters have approved a new head?

Mr. GUERIN: A couple of years, at least, I think.

Mr. ELKUS: Five years?

Mr. GUERIN: I would say two or three years, to be conservative. Not alone that; but they require that nobody shall perform this work unless approved of. They won't allow any mechanic to do this work unless they approve of him first.

Mr. ELKUS: They practically control the installation of sprinklers?

Mr. GUERIN: Yes.

Mr. ELKUS: And dictate who shall do the work?

Mr. GUERIN: Yes.

Mr. ELKUS: And that is the reason it costs so much?

Mr. GUERIN: It does. We receive complaints, we find buildings where any common sense individual would agree sprinklers were needed, and they come pleading for an extension of time, because we cannot get the underwriter people to attend to us. We say well, go to any decent plumber, any first class plumber, and we will pass the work.

The CHAIRMAN: The difficulty is they won't give them the reduction of premium.

Mr. GUERIN: Exactly so.

Commissioner BRENTANO: Do you believe there is no expert training on the part of plumbers on those other lines, and trades, to install those systems.

Mr. GUERIN: It would be a sad reflection upon the mechanics of New York city, to say that only five or six people are competent to do that work.

Commissioner BRENTANO: I do not understand there are only five or six; I suppose there are quite a number engaged, altogether, or who have been continuously doing work for years, more or less, in the constant installation of the system.

Mr. GUERIN: It is not necessary; positively not, once the systems are put in, they are kept in repair by the superintendents of the buildings where they are installed. Surely the superintendent of the building, or the engineer you will find in the average building, is not any particularly brilliant individual on that particular line.

Commissioner DREIER: What did the witness mean when he said the most important particular was the installation?

Mr. GUERIN: His testimony was as to two sizes. For instance, when they made these installations, there should be no difficulty about that, because they work by plan, and the plan shows everything that they are to install, when and how and where.

Mr. CHAIRMAN: Mr. Kohn stated, as I remember, the only thing the Board of Fire Underwriters insisted on was the head.

Mr. GUERIN: Not so.

The CHAIRMAN: And that anybody could put in the rest.

Mr. GUERIN: No; that is not true. Their own pamphlets show that. The work must be installed by those approved; they publish that through the State.

Mr. ELKUS: He also referred to the fact that when you wanted to get a contract and wanted this work done, that there was always competitive bidding. Is not there some kind of a gentleman's understanding among these companies, that while they all bid, some one man is picked out to make the bid to get the contract?

Mr. GUERIN: This thing has been of such a vicious nature, I have kept far away from those people; I do not know their methods.

Mr. ELKUS: Have you heard that to be the case?

Mr. GUERIN: That is common talk.

Mr. ELKUS: They all bid, but one man is agreed on to make the lowest bid. Will you proceed, Chief.

Commissioner BRENTANO: I was going to ask you, directly upon the work of your bureau whether since its commencement you find a ready compliance on the part of those that your inspectors visit, with the demands made? Are they followed; in those places that you inspect and that you issue orders to? Are they for the most part readily complied with?

Mr. GUERIN: At the beginning they were not, because the public did not understand the responsibility or need; but when they found out we are deplorably short of force, particularly office force, and when the orders became due for completion we found they were not complied with, we gave a five-day notice to each property owner that unless the work was begun immediately, criminal prosecution would follow, and when they saw us taking the people into the courts, then we got a prompt response, and since we started that system of criminal prosecution, there is very little delay in complying with the law, except when we meet people who have tremendous financial troubles in connection with it.

We go to a man's place, find a twelve-story building, study the deficiencies for exits of various kinds; it is not an uncommon thing to find a building with a ground area exceeding 5,000 square feet, sometimes as high as 8,000, 9,000, and 10,000 square feet, ten and twelve stories high, with but one stairway, and possibly with one or no fire escapes. We order additional exits where we can, but invariably ask the man to install a sprinkler in the building, where there is a hazardous occupation. Naturally you would not order a sprinkler in a place where they cut pipes, but where the floors are littered with clippings, where the spread of fire would be rapid, with a large number of people who could not be gotten out promptly, we turn as a last resort and say sprinklers.

Commissioner BRENTANO: Have you had occasion to issue any summary orders, closing a building?

Mr. GUERIN: We have not closed a single building yet. That is for the reason we find the methods just as effective, and the com-

missioner agreed with me at the very beginning. I said to him, "If you close a building of that kind, there may be 400 or 500 people in that building. I know many of those people cannot go forty-eight hours beyond the weekly pay hour for their money," and that has never been used; to close that building would be to deprive the people of an opportunity to labor for a week, or two weeks, while thrashing the matter out in court, or even longer, and we have never used it.

Commissioner BRENTANO: In other words, you used the lesser means to bring about compliance?

Mr. GUERIN: Yes, sir. I would like to suggest to the Commission that every law you pass, at the end of it, for fear of some misunderstanding on the part of our judges, for they seem to have difficulty in understanding the law, although it be very clear to me, and the ordinary man of the street, but the judge who sits upon the bench finds woeful difficulty in understanding it—I don't know why—I would ask you, in every act you pass, you make it a misdemeanor, and punishable as such, so that there be no quibble, if you refer to another section for punishment, each section to carry its own punishment, and have it certain.

Mr. ELKUS: Those are all going to be in one bill.

Mr. GUERIN: Yes. For instance, one of your bills, the "no smoking" bill, I have had the fight of my life to enforce it in court. The judges have brought up the proposition that when this act was passed, it amended article VI of the Labor Law, but it did not amend the Penal Law, and there is a judge actually taking that under consideration now, and holding his decision up, and has for a week or ten days, until he convinces himself that the Penal Law should not have been amended with the Factory Law.

Commissioner BRENTANO: Chief, how many inspectors have you now in the bureau?

Mr. GUERIN: I have seventy-seven, about, all told; but owing to my shortage of office help I have had to detail almost thirty of them to office work, and seventy-seven are not enough to cover the situation.

Commissioner BRENTANO: How many have you in clerical help? What is the number contained in the whole bureau?

Mr. GUERIN: I could not tell you exactly, but here is the proportion in which we are manned. We have with our total of detailed men, and all detailed firemen, forty-five of them, about two hundred and thirty-five all told in the bureau, from top to bottom. We have, in the office force, about one-half of a man in the office force for two men in the field, where it ought to be man for man at least. The tenement house department has two men in the office for one in the field. We have half a man in the office for two in the field.

Commissioner BRENTANO: Have you prepared a memorandum showing the number of inspections made?

Mr. GUERIN: I did not bring it with me, but I can give you that in a rough, offhand way, up to the end of the third quarter.

Commissioner BRENTANO: We would like to have that.

Mr. GUERIN: Yes; I can tell you that the orders referring to the construction of buildings, and fire prevention would average about, I should say, close to 7,000, and a considerable number of orders for the removal of rubbish, which I do not include in that at all. The number of inspections, original inspections for fire prevention purposes, would be about 50,000.

Commissioner BRENTANO: Actual original inspections?

Mr. GUERIN: Original inspections, and reinspections — inspections and reinspections; then there are about 20,000 what is termed service — that is inspections that must be made before a permit can be issued, to dance halls, theatres, garages, paint shops, drug stores, places of that kind, where a hazardous line of occupation is carried on. I should think we have had about, in the police courts, about 180 or 190 cases, and possibly 120 or 130 convictions.

Commissioner BRENTANO: These inspections that you speak of, 50,000 original and reinspections, and 20,000 inspections for permits, has that been done with a field force of seventy-five men?

Mr. GUERIN: I have pressed in with them, the uniformed men, detailed to the bureau.

Commissioner BRENTANO: That makes an actual force as a maximum of what?

Mr. GUERIN: Well, never more than eighty.

Commissioner BRENTANO: Never more than eighty?

Mr. GUERIN: Never more than 80; sometimes less.

Commissioner BRENTANO: You have heard the testimony of three or four of the people here to-day regarding the harm and loss which has come to them by reason of changing standards in appliances and requirements. Do you see any solution giving any more permanency to the orders?

Mr. GUERIN: Why, I may safely state that every building which the Bureau of Fire Prevention has issued orders against, if it does not change its present occupancy, the conditions will never again be disturbed by the Bureau of Fire Prevention.

Commissioner BRENTANO: You believe that?

Mr. GUERIN: I honestly believe that to be so. There was a gentleman here to-day recited the fact that they were called upon for a whole series of orders, one thing after another. First, a stand pipe. His building was a ten-story building. According to the law, as far back as 1899, such a building should have had a stand pipe in it, therefore his building had been erected in violation of the law; then he complains it is a hardship when somebody finds he has put his building up in violation of the law and he is compelled to comply with the law as it originally was. He falls back on a certificate of character, that "Your people passed me." Well, because a man erred in judgment, wittingly, or unwittingly, that is no reason why the city should be bound to let the violation continue. I do not think the point was well taken. I say myself very frankly that the reports coming in to me are tending to show the number of buildings that have not complied with the law.

Mr. ELKUS: We found one the other day.

Mr. GUERIN: There is a building, one of the most prominent in this city — I will ask you gentlemen to excuse me from giving the name of it — I will name it privately, but would not want it to be published — there is a building in New York city, one of the most prominent, that from the sixth floor to the twenty-second, there is but one line of stairways, with a floor area of 27,000 square feet, and approximately 5,000 people to use the one stairway. It is a nice building.

Commissioner BRENTANO: How much elevator service?

Mr. GUERIN: Very fine elevator service; could not be better; but what has a fire shown us? The elevator service fails. I would no more call an elevator an exit than I would call this building an air ship.

Then our good friends, the architects find fault with us. As I said before, the department is sadly in want of character for some reason or other. It has gone to the bad, I do not know why. They all object to what we ask. All we ask is, obey the law, and if they do not obey the law, the department is going to follow the situation up, like it puts out its fires. It puts out its fires completely, and it is going to put every man in jail that does not comply with the law.

The CHAIRMAN: I suppose one man says that you don't do enough; the other man says you do too much?

Mr. GUERIN: Exactly so; and we are bound by the Commissioner's ruling — the least possible expense necessary for the security of human life.

Commissioner BRENTANO: Would you also incline to the same opinion as Chief Kenlon regarding the restriction of the height of factory buildings?

Mr. GUERIN: I agree with the chief, that is, that the height of buildings under present conditions is a terrible problem, but let us look at it in another way. Our fire department admits itself helpless above the seventh floor for prompt service. A man that wants to go beyond that is asking for unusual privileges from the city; let him make unusual provision to safeguard the

people. Go to extremes with the man who wants to go to extremes. These measures can be adopted.

Let me give you an instance of what I mean. Take for instance a man who will say, "I want to put up a twenty-five-story factory building." I say, "Yes, go ahead, put it up. When you put it up, you will have to put up its fire wall square across the centre, not cut in with doors, but absolutely solid, without a break in it. If you want to communicate with the other side, put a good wide balcony you can walk around, so that your people can get out in two minutes, or one minute, into the adjoining building."

Mr. ELKUS: Really two buildings?

Mr. GUERIN: Absolutely.

The CHAIRMAN: No doors?

Mr. GUERIN: Not a bit. There are a lot of very fine people who would divide a wall with doors, but it is a fallacy and I will prove it. Don't let that sweep you away. Mr. Brentano can bear me out. I can quote some fires he knows well.

The Heywood Chair Factory fire occurred on Cherry street, two buildings, absolutely separate, with fire doors between as proposed for our exits. The fire department responded promptly and attempted to get into the adjoining building which was not on fire to fight through the fire doors. We never got above the second floor and could not get out because the smoke percolated through, so that no human being could live. These doors do not close automatically when smoke strikes them, not until the fire strikes them. Sometimes they get out of order. They are often very delicate.

I walked into a candy factory which had 600 girls in it. They had the fire doors blocked, so that it took me and another man two or three minutes to clear them so that we could clear the door.

Don't pin your faith too strongly to the fire wall with doors in it.

As to the old-time fire escapes, I have heard it abused to-day, and I have heard it abused before. Let us look the facts in

the face. We have 40 years of the old fire escape behind us. I know of only one death occurring on it. Know thousands of thousands of rescues from it; but they point to the future deaths that are going to happen from it. They do not point backward to the 40 years.

MR. ELKUS: Was not Chief Kenlon one of the men who said the fire escape was no good?

MR. GUERIN: No, sir; he never made such a statement. You never heard him make it. There were some people on the stand made it.

MR. ELKUS: What about the Asche fire?

MR. GUERIN: That was a defective one, because it led to a point where there was no exit from it. I will tell you why it melted. The fire department has amended the old fire escape regulation so that the old fire escape to-day is the best means of escape that you have got, not excepting even the much vaunted Philadelphia fire tower.

We require that on all windows or doors leading to fire escapes, that those windows be set with metal frames and glazed with wire glass, and be self-closing in case of fire. That is all you want. Suppose a fire occurs on this floor. If the fire be of such magnitude as to close these windows nobody on the floor can live, but if they were alive they could go to the window and lift it up and walk out. On the other hand the people above would be protected by the wire glass window. That was devised by the much abused bureau of fire prevention.

MR. ELKUS: You are in favor of this bill making an allowance for exterior fire escapes?

THE CHAIRMAN: Would it not be well to have an adequate staircase?

MR. GUERIN: It is always well to have adequate staircases; I am not prepared to say how it should be worked out. We are always in favor of plenty of exits.

MR. ELKUS: Is there anything further, Chief?

MR. GUERIN: No, sir.

Commissioner BRENTANO: You do favor some limitation in factory buildings?

Mr. GUERIN: I would say, under present conditions, yes; but I do not think we ought to be so radical as to say you shall not build above a certain height, but rather do this: When a man wants to build above what is known to be a reasonable height, then impose upon him as many unreasonable conditions as he wants to go up unreasonable feet.

Commissioner BRENTANO: Suppose he complied with them, does it not nevertheless leave such a condition of fire peril to adjacent property?

Mr. GUERIN: To adjacent property, yes.

Commissioner BRENTANO: That is should be guarded against?

Mr. GUERIN: Yes. Now, the question comes again —

Commissioner BRENTANO: Is not the community interest greater than that man's?

Mr. GUERIN: The community certainly has a greater interest, but the community before it prohibits its exercise of this undue power of building, should have exhausted all its remedies against it.

Mr. ELKUS: Chief, we are very much obliged to you for your very clear and explicit remarks.

JOHN L. BROWER, No. 1 East 39th street, was then introduced to the Commission:

Mr. SHIENTAG: We will be very glad to hear you, Mr. Brower, on any of these proposed bills?

Mr. BROWER: Mr. Chairman, and gentlemen, the West End Association appointed me a committee to urge you to pass the clause in the bill that Miss Perkins had in regard to the revolving doors. Our association regards the revolving doors as about the most dangerous thing to human life in New York city.

For instance, take Macy's. I am informed that in Macy's store during shopping hours, including the employees and the

shoppers, there are some 7,000 or 8,000 people. I think that most all of the exits on 34th street, 35th street and Broadway have those revolving doors. Just imagine anything which would cause a panic, not to say a fire, but any panic. Those doors would be jammed in less than ten seconds, and of course great loss of life would ensue. That is all I have to say on the subject.

Mr. SHIENTAG: Is not there some device by which these doors can be made to open very readily?

Mr. BROWER: I understand that they could be opened by calling the attendant, but it takes him from two to three minutes. But you can imagine when a panic was started, and there were 7,000 or 8,000 people rushing out, there would be no opportunity to adjust the doors.

Mr. SHIENTAG: Has your association seen these proposed bills the Commission has prepared?

Mr. BROWER: I do not know whether our association has.

Mr. SHIENTAG: Have you seen them?

Mr. BROWER: I have not, only what Miss Perkins has referred to, and I refer to that particular clause in the bill. Miss Perkins requested me to come here and speak on the subject, and our association appointed me a committee to do so. There may be some buildings where they are all right, but in large hotels and department stores, certainly the double swinging doors, such as Altman has, is a great deal safer.

Mr. LEONARD DAY:

Mr. SHIENTAG: You are connected with the fire department of New York?

Mr. DAY: The chief of the bureau of the fire alarm telegraph.

Mr. SHIENTAG: Have you gone over the proposed bills with reference to fire alarm signals and fire drills?

Mr. DAY: I have.

Mr. SHIENTAG: We will be glad to have your views and suggestions on that.

Mr. DAY: We are here given an opportunity of calling your attention to what has proven to be inadequate provision in the city charter in connection with fire telegraph facilities, providing communication between factory buildings and fire headquarters. It seems to me at this time it might not be amiss, rather, in fact, it is the time to specify the particular type of building which must be provided with fire telegraph service — in other words, to complete the suggestion, as it is really not much more than a suggestion, in the city charter.

Mr. SHIENTAG: That is a matter that has not been covered by any of our proposed bills yet.

Mr. DAY: That is a new point, so far to-day. That is the main thing I have to suggest to-night.

Commissioner DREIER: You mean direct communication from each building to headquarters?

Mr. DAY: The way that it will be accomplished will be through the medium of what we know as an auxiliary fire telegraph company, who provide this service. There will be electrical connection through the medium of a box in the premises, to be transmitted to the central station of this private company, who does the fire telegraph business for a stated sum of money paid every year by the people protected. Then this headquarters of the private company transmits preferably automatically, this alarm of fire to the fire headquarters, to the fire department of the city of New York.

The CHAIRMAN: Is there such a thing in existence in the city now?

Mr. DAY: There are six companies providing this class of service. The fire telegraph service of the New York fire department is totally inadequate to provide individual fire communication to each room, or collection of rooms, of each building in the city of New York.

Mr. SHIENTAG: Would it be practicable to increase the facilities so as to provide for this direct communication between factories and fire headquarters, or do you think it should be left as it is at present, under more stringent requirements?

Mr. DAY: I do not advocate any material change over the spirit of the present law. It is merely a further explanation, and a designation of the exact class of building which must have it provided, as it is now intended to be provided by the city charter, but not in such clear language that it is possible for Chief Guerin in the Bureau of Fire Prevention to say, this is a building that must have it.

Mr. SHIENTAG: What provision do you think ought to be included?

Commissioner BRENTANO: Isn't it a fact that the present law is and has been for years, very broadly drawn and gives the Commissioner absolute discretion as to where to put in these auxiliary alarms?

Mr. DAY: It gives the Commissioner full discretion in the character of the service that shall be installed, but the Commissioner needs a little more help in the building in which it shall be installed, because that is the particular in which the city charter is mandatory.

Commissioner BRENTANO: My recollection is that it imposes no qualification upon his definition as to the character of the building.

Mr. SHIENTAG: That was my impression, a broad general power. Of course it did not specify or make it mandatory.

Mr. DAY: You most certainly should correct it, and it is to amplify that particular point that I am now making the suggestion. It might be an aid to the fire commissioner to say some particular class of buildings should have it.

Mr. SHIENTAG: But the commissioner may require it in other cases.

Mr. DAY: He may require it, but still it is a power that is not particularly sought by the fire commissioner, for him to say that this building must have it, and that one does not need to have it.

Mr. SHIENTAG: On what class of building do you think it ought to be required?

Mr. DAY: I have not gone into the subject with sufficient closeness, and particularly of detail, to be able to answer. It could be figured from the character of the fire risk, that is, the occupancy and the size of floor space.

Mr. SHIENTAG: Would it not be difficult to specify the kind of buildings in the law? Don't you think it ought to be left to the advisory board?

Mr. DAY: If there is a fire board, it is best they publish rules as to what should govern.

Mr. SHIENTAG: Publication of rules and regulations?

Mr. DAY: Yes.

Commissioner BRENTANO: I wish you would inform us as to the cost of installation and maintenance of such a device for premises where it is required — an annual tax I suppose imposed by these auxiliary companies — they average about the same?

Mr. DAY: My information is hearsay.

Commissioner BRENTANO: What is your best information?

Mr. DAY: Fifty dollars a year.

Commissioner BRENTANO: Isn't it a fact it averages more like \$100 or \$125?

Mr. DAY: I have qualified my information. That is some information that we wish, on account of our position, to know as little about as possible. We are hounded every day for information and the only safe way is not to have it, and I haven't it.

Commissioner BRENTANO: You would advocate no extension of the municipal telegraph service where that requirement is imposed?

Mr. DAY: That would be like Arcady, but would be like multiplying the present fire telegraph by about 100, and I believe it would be impracticable to do it.

Commissioner BRENTANO: In other words the city could not maintain such an auxiliary system?

Mr. DAY: In my opinion it would be unwise for the city to attempt to maintain such a service.

Mr. SHIENTAG: At the present time the fire department has very little supervision over those companies, isn't that so?

Mr. DAY: Under the city charter it has the full power of putting every one of them out of business.

Mr. SHIENTAG: We were told in the case of the Asche Building fire, that the automatic fire alarm did not work; at any rate it did not work until after the alarm from the street box was turned in. Do you know anything about that?

Mr. DAY: I would have attempted to have had certain people in jail if I did really know about it. I know the gossip about it.

Mr. SHIENTAG: What was that gossip, a false alarm?

Mr. DAY: The general gossip in connection with that class of service is that many of the companies have the ability to exercise a censorship over the alarms which they receive. In other words, they have the ability to receive an alarm from a box, and to hold up its transmission to fire headquarters pending a private investigation by themselves over the telephone, or by messenger, or hearing of the street box alarm for the same fire, for the purpose of determining that there really is a fire, and not get the discredit of sending in a false alarm.

Mr. SHIENTAG: Do you say that is permitted to-day?

Mr. DAY: I mean to say the class of service provided permits that class of censorship. I am taking such steps as my position makes possible to overcome a chance for them to have such a censorship.

Mr. SHIENTAG: Will you please consider the question, Chief, and in the next week or ten days let us have your views as to what amendments of the charter are necessary, what specific buildings you would make the amendment apply to, if you can.

Mr. DAY: I will be pleased to do so, yes.

As to specific details in bill No. 2, line 4, the last three words of the line I think should be "originated." That is it does not make any difference which bell sounds; it is where the fire originates that is desired to be known.

Mr. SHIENTAG: Where is that?

Mr. DAY: Page 2, line 4; it reads "Indicate in what portion of the building the alarm is first sounded." Instead of "first sounded" it should be "originated." In line 9, at the end of the line after the comma, insert "or to test its proper working."

Mr. SHIENTAG: After the words "fire drill"?

Mr. DAY: Yes; at the end of the line. That is, the box should be tested.

IRA GOULD HOAGLAND was then called upon and addressed the Commission as follows:

Mr. SHIENTAG: Whom do you represent?

Mr. HOAGLAND: Editor and manager of Insurance Engineering.

Mr. SHIENTAG: For the purpose of the record, what is Insurance Engineering?

Mr. HOAGLAND: A monthly publication, devoted to the conservation of life and property and the prevention of needless waste by fires and casualties.

Mr. SHIENTAG: Have you made a study of fire prevention?

Mr. HOAGLAND: For the benefit of the Commission I may say that previous to this time, I was for eight years a practical engineer with the Underwriters, and altogether sixteen years in the service of the companies.

Mr. SHIENTAG: Have you gone over the proposed bills?

Mr. HOAGLAND: Yes. The time is so short I just wish to inform the Commission that much of the information that has been

given to them to-day in testimony regarding the attitude of the Underwriters is inaccurate. The automatic sprinkler which is being discussed and in which you are so interested, has been developed under the supervision of the insurance companies, and it has taken many years to perfect the standards we have now. The Fire Department of New York city, or anyone else, can hardly arrogate unto itself an ability to do a thing at this time that has taken the underwriters' engineers many years to do.

Mr. SHIENTAG: They have the benefit of the underwriters' engineers' knowledge.

Mr. HOAGLAND: They publicly state they will ignore it.

Mr. SHIENTAG: No; they don't; they accept it, but they want to supplement it, that is all.

Mr. HOAGLAND: It has been remarked that the automatic sprinkler device is a simple thing.

Mr. ELKUS: Oh, no; I think the Commission agrees that it is a pretty complicated mechanism, all told; the head may be simple.

Mr. HOAGLAND: No; I mean the head; that is the point I am talking about. I think it will be illuminating, if the Commission will adjourn to Chicago and see the procedure the sprinkler head undergoes in the laboratories, and compare the methods there with the methods in Boston, of the Manufacturers' Mutuals, and also of the Fire Department of New York. To manufacture the sprinkler head it needs quite an elaborate equipment, an elaborate shop. One of the reasons that there are only a few heads approved to-day is because of the fact that many of the makes have been rejected as unfit.

Mr. ELKUS: When was the last head approved?

Mr. HOAGLAND: This year. There was one head approved this year.

Mr. ELKUS: After the Fire Department of New York City approved it?

Mr. HOAGLAND: I do not know that. It can be emphatically stated insurance companies do not dominate the sprinkler companies, nor is there a combination among the sprinkler companies.

Mr. ELKUS: How does it happen that they all seem to be of about the same cost?

Mr. HOAGLAND: Because the science is so exact, the art of installing sprinklers is so exact, and the requirements uniform, that the various companies have to buy the same sort of pipe and fittings, and the cost of manufacturing the sprinkler head is comparatively the same; one company can make it relatively as cheap as another. That is one of the reasons why the costs are so close together.

Mr. ELKUS: Why does the Board of Underwriters insist on designating certain contractors, or certain plumbers to do the work?

Mr. HOAGLAND: Well, of course the law of New York State and elsewhere specifies you shall have the right plumber do the work in your house?

Mr. ELKUS: Yes.

Mr. HOAGLAND: You shall have an electrician who understands the work, and the insurance companies do not refuse to accept work that is put in in accordance with the standards, but their experience has been that nobody but a regularly organized sprinkler company can install the work correctly. They do not refuse to approve work that is put in correctly by somebody else other than a sprinkler company, but experience has demonstrated they cannot do it.

Mr. ELKUS: We were told they did not give a rebate for an automatic sprinkler that was installed by a man other than the one they approved of?

Mr. HOAGLAND: I am not familiar with the conditions in New York City exactly. I have only been back here a year or so, but I have been engaged in the work throughout the country, and I know if a concern can demonstrate that they can install

sprinklers in accordance with the standards, the insurance authorities will grant the reduction; they will accept those installations. Of course the cost of equipment varies with the character of building, accuracy, and what-not; not so much accuracy, but the character of the building, its location, and cost of labor, and one thing and another, and it has been demonstrated that cheap systems are the most expensive in the long run. The underwriters' laboratories were established because of a long felt want. It should be adopted by the Government, but the underwriters established a laboratory because nothing else was available, and it has had a big effect on the safeguarding of hazards. For instance, the acetylene gas machines were new things. The installations were safeguarded because of the specifications of the underwriters' laboratories. The underwriters as a whole would welcome a similar organization under the supervision of the Government.

THE CHAIRMAN: Do you think that would be a wise thing to do?

MR. HOAGLAND: I do; it is a felt want. As it is, the Government uses the underwriters' laboratory at Chicago for a good deal of their work.

THE CHAIRMAN: Suppose the State Government had a board of some kind, a commission or advisory board which passed upon the qualification of the sprinkler heads, and when it approved the sprinkler head, then the insurance company must give the proportionate reduction or rebate.

MR. HOAGLAND: I do not think they would contest that; they would welcome that sort of thing. It would relieve them of the necessity of doing it; but what would you have across the river in New Jersey? Why should we not have one organization for the whole country?

THE CHAIRMAN: It would be so much better, I suppose, if you could get all the states to do it. There is no reason why we should stand still; we are standing for progress.

MR. HOAGLAND: Why not distinguish the sprinkler head from the automatic sprinkler as a whole? You can take cognizance of

the rules recommended by the National Fire Protection Association, which is an independent body not controlled by the underwriters, although a good many underwriters, engineers and field men belong to it. They recommend rules which the national board adopt as standard. The national board does not promulgate these rules; they are recommended for promulgation by the National Fire Protective Association. In these rules is crystallized the experience of nearly thirty years. They were not developed in one year or ten years. With all due respect to the New York Fire Department, and the able men in it, they have not the experience; they do not look at the sprinkler head from the point of view of the mechanical engineer, and the mechanical engineer is not a fire fighter. His is a different sphere.

Mr. ELKUS: There is no reason why you should not have a mechanical engineer in the fire department?

Mr. HOAGLAND: Positively not; but with all due respect — I have proper admiration for Chief Kenlon and the other gentleman who testified — with all respect to them, I do not think they can do the same character of work that is being done in Chicago, because they have not the experience in that particular line of work.

Commissioner BRENTANO: Taking that for granted for the moment, isn't it possible to originate such a board that in a very short time you gather into it the experience and qualification necessary?

Mr. HOAGLAND: I believe so; but the system as it is now, I believe Chief Kenlon did say he thought they were better qualified to pass on these things.

Mr. ELKUS: No; he did not say better qualified. He thought they were qualified.

Mr. HOAGLAND: In reference to bill No. 1, I would recommend to the Commission a more elaborate fire prevention bill, taking in electric lighting. There is at once the safest and the most unsafe method of lighting.

Mr. ELKUS: Is not that regulated now by the board of fire underwriters?

MR. HOAGLAND: The underwriters do not regulate anything. They recommend these things, and they establish their rates on the conditions as they find them; but we could well write into the law, I believe, provisions covering such known hazards as electric lighting, and lighting by gas generated on the premises.

MR. ELKUS: Will you submit a little memorandum to us giving us in detail your views as to this?

THE CHAIRMAN: I wish you would submit such a memorandum.

MR. HOAGLAND: As I say, I am not employed by the underwriters now. In all fairness to the underwriters, I believe it should be acknowledged they have encouraged all these things by granting concessions in the rates, and to charge that they dominate the sprinkler situation is unfair to them.

The committee then adjourned to meet to-morrow morning, December 5, at 10:30, in room No. 4 of the Hall of Records.

HEARING OF THE STATE FACTORY INVESTIGATING COMMISSION HELD IN ROOM 4 OF THE HALL OF RECORDS, NEW YORK, DECEMBER 5, 1912, AT 10:30 A. M.

NEW YORK, *December 5, 1912.*

The Commission met pursuant to adjournment at 10:30 A. M. in room No. 4 of the Hall of Records.

Mr. ELKUS: Mr. Chairman, to-day has been set aside for hearing those for and against the proposition of eliminating home work in tenements. The Commission has expressed no views on the subject, and no bill has been drafted or even put in tentative form, the Commission desiring to keep its mind open upon the whole subject, and to hear all those, both in favor of continuing work in the homes as now carried on, and those opposed to it. Ordinarily, I understand, Mr. Chairman, we have followed the rule, in legislation, before legislative committees, of hearing those opposed to a proposed measure first. That plan will be followed to-day, with but one exception; Dr. Knopf is here and he wants to go to Philadelphia, and with your permission I will call him first.

The CHAIRMAN: Very well.

Dr. S. ADOLPHUS KNOPF, a graduate of Bellevue Hospital Medical College, and the University of Paris; professor of diseases of the lungs of the New York Post Graduate Medical School was then introduced.

Mr. ELKUS: Doctor, you have given your name and title to the stenographer, we shall be glad to hear you, either upon this subject, or upon any of the bills proposed by the Commission on other subjects.

Dr. KNOPF: The work in the tenements by adults, as well as children, I hold largely responsible for the great morbidity and mortality of tuberculosis in this city. The bad ventilation of the tenement-house, added to the inhalation of dust by the workers,

and the frequency of tuberculosis among them, causes the fearful condition which we are now trying to combat. I firmly believe that if we could do away with this one source of propagation of tuberculosis, we would reduce the mortality and morbidity very greatly.

You know how tuberculosis spreads. One single individual in a family is capable of infecting a number of them within a very short time. Most of the tuberculosis workers are not trained and are not educated how to dispose of their sputum. They expectorate more or less, and when this carelessly expectorated material dries and is pulverized, and is inhaled with the dust in the so-called factory at home, it is inevitable that any number of them become infected.

In the Gouverneur Hospital Dispensary for tuberculars, we have made very careful tabulations and found that 37 per cent. of all the tuberculars who applied there for relief were garment workers. It is among this trade where tuberculosis is most prevalent.

Now, we will never be able to eradicate this disease from our midst unless we take energetic steps and stop work at home. Every tenement-home which is utilized for work predisposes the workers to tuberculosis. They inhale the bad air; they work long hours, and in addition, very often are underfed.

Now, the three great factors which predispose to tuberculosis are, bad housing, underfeeding, child labor and women's labor and too much labor. These factors must be done away with if we can combat tuberculosis successfully.

Why should we combat tuberculosis successfully? We lose in the United States 200,000 citizens annually; but these are not the only tuberculous individuals. To every death from tuberculosis, we have eight living tuberculous individuals. Multiply the 200,000 by 8, and you have a fair idea of how much tuberculosis there is in the United States. We lost in New York last year from pulmonary tuberculosis alone — in 1910, 8,692; and in 1911, 8,790. The year 1912 is not complete; we have had about 8,000 deaths thus far. Eight times eight means 64,000, and that refers only to pulmonary tuberculosis.

In the children whom we put to work, we have another type of tuberculosis, which is a germ tuberculosis, skin tuberculosis, and these children invariably fall later on the victims to the more serious type and become a burden to the community.

We spend millions of dollars annually in this city and other cities for the cure of tuberculosis, and we spend that money in vain, because by our deficient laws regarding proper housing, regarding child labor, regarding labor in factories and homes, we produce consumptives every day anew, and all the millions of dollars we spend for their cure and care is useless.

Let me say one more word about the cure. We have a number of institutions in this city and in this country which we support at great expense. We send our patients there for three months, and six months, and we arrest their disease, and what do we do then? We let them go back into the same environment, and have the same disease brought on anew. So that you see that with all the sacrifices we make, the greater part of what we spend for the prevention and cure of tuberculosis is useless, as long as we allow conditions to prevail as they do prevail now.

I hope these bills which are now before the Legislature to at least minimize these fearful conditions, will pass, and will be signed by the Governor and become laws; and that they will not only become law, but that we will have enough employees to enforce that law. We have a Factory Law which is very good, but we have not enough factory inspectors to enforce it. It will be the same thing here, if we have the law passed and have not enough inspectors to enforce it.

Tuberculosis is a preventable and a curable disease; and it is the duty of every honest citizen, and every physician, and every philanthropist, to work toward the reduction of the disease. Unless we do that, we will have the disease multiplying, and it will not only be confined to the poor, as it is already not confined to the poor, but we ourselves may become subject to the disease as easily as they become, because it is on the increase and will be on the increase unless the conditions which prevail now are very greatly improved.

SAMUEL BOHCHARDT was called as a witness and duly sworn.

Examined by Mr. ELKUS:

Q. What is your business? A. Part of my business is manufacturing; and I am manufacturing a variety of crochet goods, crochet specialties.

Q. Crocheted slippers? A. Among them we manufacture a certain kind of crocheted slippers.

Q. Where is your office? A. 404—412 East 104th street. The factory is also there.

Q. You have a factory there? A. Yes, sir.

Q. How many people do you employ at your factory? A. In that special department, or throughout?

Q. Throughout, first? A. About 500 throughout.

Q. How many in that special department? A. In that special department we have outside workers.

Q. I mean inside workers? A. About 25.

Q. So that out of the 500 in your factory, 475 are engaged in other work than this crocheting of slippers? A. Yes.

Q. Do you employ men and women? A. Men and women, and boys and girls.

Q. How many under the age of 16? A. Very few; maybe 20; something like that.

Q. You spoke of employing outside workers; how many of those do you employ? A. Well, we employ from about, at present, about 25; we formerly employed more.

Q. How many had you employed? A. We had employed as many as a hundred.

Q. What you mean by outside workers are those who take the work home from the factory? A. Yes.

Q. And do it in their homes? A. Yes.

Q. Do you keep any track of their homes, or where they do their work? A. Personally I do not; no.

Q. I mean do they, in your business? A. I do not think so; no.

Q. There is no inspection of any kind, as there is in your factory? A. We have never made any such inspections.

Q. In your factory you are amenable to the Factory Inspection Law? A. Yes, sir.

Q. And the board of health and the fire department? A. Everybody.

Q. While the people who do the work at home, do it wherever they please and whenever they please? A. Correct.

Q. In your factory they have to obey the law as to hours for

those under 16 and 21, while at home they do not have to obey any laws? A. No laws as far as I know.

Q. These slippers, the red crocheted slippers are the kind that are made in your factory and by these home workers? A. Inside and outside; not complete, you know.

Q. How much a dozen, can you tell me, is paid for making these red crocheted slippers? A. The price varies. For the cheapest class of slippers we pay about fifty cents a dozen, for a part of the work, simply for crocheting the uppers; not to put the ribbons in, or not to attach the soles — simply the crocheting.

Q. Who does this work, children or women? A. Women take the work out, and a number of children, I presume.

Q. Young children? A. Young children, I presume.

Q. How old are they, do you know? A. I could not say.

Q. Seven, eight or ten years old? A. No; not as young as that. That is more experienced work.

Q. These are what are called hand-made slippers? A. Yes, sir.

Q. I show you a photograph purporting to be a photograph of the place where these slippers are made. Can you tell me whether or not that is accurate? A. I have never seen the entrance there.

Q. Nor the home? A. The home, no. As a matter of fact I would like to say there, regarding our crocheted slippers, the place where they are made, a great many of them are made on the streets, in the doorways and in the open air, during the summer and fall.

Q. These slippers are made to be worn by people in their bedrooms? A. Yes.

Q. How many other people do you employ — do you employ people to make these other things outside of your factory? A. No; that is the only thing we have made outside of the factory.

Q. Why do you make that distinction? A. I will tell you. Crocheted slippers have always been made outside, for pin money, as they call it, by ladies of the upper classes, as well as those of the lowest.

Q. Do any of the upper classes make these for pin money? A. A great many, yes.

Q. Members of the "Four hundred?" A. They have in the past; yes.

Q. Members of the "Four hundred?" A. "Four hundred," of course we will cut that out.

Q. At fifty cents a dozen? A. The grade they make, they get a dollar, or a dollar and a quarter.

Q. They insist on higher wages? A. A better class of yarn.

By Commissioner DREIER:

Q. The work is the same on both? A. The work is a little more difficult on the better class than on the cheaper. I wish to say here, Mr. Elkus, that we are doing away with that altogether. We have gotten now machinery to make these and are cutting out as much as possible the manufacture of crocheted slippers that way, because it is very uncertain deliveries, you know; and the demand being constant, we have got to have a constant supply, and our machinery is able to do the work inside the factory where we can attend to it in better shape.

Q. How much do you pay in the factory for making these slippers? A. They cost a little less in the factory.

Q. Do you mean that? A. Yes; they are made by machines.

Q. None of them are made by hand in the factory? A. No.

Q. Made by machine for what? About 45 cents a dozen? A. I do not know exactly, about.

Q. You pay 50 cents a dozen pairs, you mean? A. A dozen pairs. Mind you, that is not the complete slipper.

Q. I understand; it is all the upper part with the exception of the ribbons? A. The ribbons, and sewing on cost about 25 cents, alone, in the factory.

Q. Sewing on the upper part you say, costs 25 cents a dozen? A. Yes.

Q. What they take away home and get 50 cents cash a dozen for, is all the upper part of these shoes or slippers with the exception of the bow? A. Yes. I am speaking now of the very lowest grade slipper.

Q. The highest grade you pay \$1.25? A. \$1.25.

Q. Are these pink ones yours, too? A. I do not know; it is a question of the quality of the yarn and number of stitches.

Q. How long does it take a woman or child to make a pair of these, of the cheap grade? A. That I have not gone into for some years.

Q. How long does it take them to make a dozen pairs? A. They deliver — we give a woman a bundle of the work, consisting of about four or five or six dozen; they bring them back in about three or four days.

Q. So in four days, a woman with a family — A. I did not say a woman with a family.

Q. They all do it with the family, don't they? A. Not necessarily; the woman may do it herself.

Q. It takes about an hour and a half to three hours to knit a pair of these, steady work, does it not? A. I could not say.

Q. Can't you give us any idea? A. I should say, if they worked steady 10 hours a day, I should judge they would be able to do a dozen and a quarter.

Q. If they worked 10 hours a day steady at home, they could make a dozen and a quarter; that would be 62 cents? A. Well, no; we pay \$1.25.

Q. I am talking about this cheap class? A. The cheap class, as I mentioned before, we are supplanting that with machinery. They have been making — they have been getting about that.

Q. This is a part of your slippers (exhibiting slippers to witness)? A. I cannot state — yes, they probably are.

Q. They are marked "peerless"? A. Yes, our soles we manufacture on the ground; that is a different article.

Q. That shows they come from you? A. We sell the soles to everybody.

Q. They get sixty-two cents if they work ten hours a day at home? A. I am guessing at that.

Q. I understand; your guess is as good as anyone's? A. I have not investigated fully the time it takes for the work to be done.

By the CHAIRMAN:

Q. Let me ask you, if it costs more to give this work out than to do it in the factory, why do you give it out? A. We are stopping giving it out on account of the fact it costs less in the factory.

By Mr. ELKUS:

Q. You are doing it by machinery in the factory? A. Yes, sir.

Q. By machine it costs you about forty-five cents a dozen pairs? A. I guess to-day we only have ten or twelve workers.

Q. Do you get any more for hand made than for machine made? A. No; machine made we give about forty cents; for hand made we pay about fifty cents.

Q. When you sell them? A. When we sell them; about the same; they like one as much as the other, in the cheapest class of work.

Q. How about the better class of work? A. In the better class, the hand made is the only way they are made.

Q. Why could not you make them in the factory yourself? A. The hand made?

Q. Yes. A. Well, of course the reason is that the wages are lower outside.

Q. That is because they are not amenable to the Factory Law? A. Not constant workers, being manufactured for pin money purposes only.

Q. And outside they can employ children under the legal age? A. Outside they can do whatever they please.

By the CHAIRMAN:

Q. What do you mean by manufactured for pin money purposes? A. This line of goods, especially crocheted slippers, as I tell you, have been made by ladies of wealth, and in moderate circumstances, as well as the poor, and it is always to make the pin money.

Q. You mean that those who do this character of work really don't need the money? A. Don't need the money.

By Mr. ELKUS:

Q. You do not mean that, do you?

By Miss DREIER:

Q. You don't make that distinction — if a poor woman comes in, you do not inquire if she is doing it for pin money? A. No.

By Mr. ELKUS:

Q. Women working ten or eleven hours a day, making slippers for even \$1.25 a dozen pairs, are not doing it for pin money? A. I have never worked them steady.

Q. If they choose, they do? A. Of course.

Q. Of course, as a manufacturer, and a gentleman of intelligence, you realize that whatever the purpose of these people who do the work outside, they compete with the factory worker and cut down his wages accordingly? A. Are you speaking generally, or in case of slippers?

Q. Slippers. A. These cases have never come inside, but if they were, they would compete.

Q. You said the reason you gave them out was because it was cheaper; and you would have to pay how much a dozen to have it done in the factory by hand? A. I presume we would have to pay at least 25 per cent. more.

Q. At least that if not more? A. Yes.

Q. Are you yourself as a manufacturer in favor of permitting home work as it now exists, or in favor of abolishing it? A. Well, I believe in regulation of that matter. I think that outside work is in many cases a very proper thing. I think it keeps the young girls off the street to a great extent to have home work. I think where the work is done under proper regulation, and the homes are clean I do not see any harm in labor.

Q. You would regulate it, put every home under the Factory Law? A. I think that would be — I think a proper supervision would be a grand thing for the cleanness and proper handling of outside work.

Q. You realize that these goods, if they are manufactured outside of a factory which is under legal supervision, ought to be manufactured in places that are clean and free from disease? A. As far as the question of disease enters the matter, I think the same case might apply anywhere in the world, in the factory and in the home. I think there is just as much danger of tuberculosis spreading in the factory as anywhere else, and if a person is diseased, contagion and infection are bound to occur, with a number of people getting together. Of course it can be worse in the poor home.

Q. You would not have anybody in your factory who was so sick that they had to lay in bed or lie down? A. No; not as bad as that of course.

Q. You would not allow anybody to work in your factory who had a loathsome skin disease? A. Naturally not.

Q. There is nothing to prevent that class of people, who are forced to do it, perhaps, working in their homes on just such articles? A. Of course you see the point I want to impress is that people with loathsome diseases are liable to communicate the disease in street cars as well as in homes. I do not think you can prevent it by cutting out the home labor.

Q. Your idea is that home labor should be permitted, but should be regulated? A. Should be carefully watched.

Q. They should be put under the Factory Law? A. Absolutely.

Q. And children under the age prohibited from working in factories — A. That I am very much in favor of, to cut out the very young children from working. That is shameful.

Q. That is a bad thing? A. That is.

Q. Suppose it was found impossible to so regulate work in the homes, according to your ideas, what would you do, prohibit it then? A. Well, it is hard to fully prohibit the matter, because we have to compete with the world, Germany and France and European countries are doing that same thing, and seem to be doing it with advantage to the consumers. It is a question in my mind whether it would be advisable to shut that out altogether.

By the CHAIRMAN:

Q. Do you know whether they regulate it more than we do? A. No; everything I think is regulated pretty well in Germany. I do not know. I have no personal knowledge on the subject. I know it is done to a very great extent in Germany.

By Mr. ELKUS:

Q. Has not Germany prohibited the use of children? A. Why, we manufactured, a few years ago, the Teddy Bears. We made them in the factory; we had to compete with German home labor. We invented a number of different appliances, machinery to produce them in the factory, and during the time the Teddy Bears were so popular, we succeeded in competing with the foreign home made article; but at that time we learned a great deal about the home labor there, in which they certainly produced these

things at a minimum of cost; but with our methods of doing business in this country with our machinery, as I say, we succeeded in competing.

Q. Teddy Bears are not popular any more? A. We dropped out of that; we were only in it for one season. We dropped out of that; it was just a side issue with us for one or two seasons.

Q. Is there anything further you have to say? A. No, sir; unless you wish to inquire.

BENJAMIN GOLDENBERG was called as a witness and duly sworn, and testified as follows:

Examined by Mr. ELKUS:

Q. Are you the proprietor of the Aetna Doll & Toy Company? A. Yes, sir.

Q. Where is that located? A. 46 Greene street.

Q. What do you manufacture? A. We manufacture dolls.

Q. How many people do you employ there? A. About 200 or 250.

Q. Men and women? A. Men and women.

Q. Any children under 16? A. Why, there may be two or three; they have their working papers.

Q. You manufacture what toys? A. Dolls, practically.

Q. Practically dolls? A. Yes, sir.

Q. Are any of those manufactured outside of your place of business, your factory? A. Parts of them are.

Q. How many people do you employ outside of the work at home? A. That varies.

Q. The largest number? A. Well, not very many now. Last year there were an average of about 50 or 60.

Q. Are they women and children? A. Women.

Q. You give the work to women to take home? A. Yes.

Q. What part of the dolls are made at home? A. The dresses.

Q. The dresses for the dolls? A. Yes.

Q. You give them out in the uncompleted state and they are sewed together at home? A. We cut them.

Q. You cut them and give out the parts? A. Give out the parts; yes, sir.

Q. Do you keep any track of where the goods are made? A. Partly.

Q. What do you mean by that? A. Well, we cut a gross of garments, we give to women a ticket. On that ticket is her name and address. We keep one, she keeps one.

Q. That is all you know about it? A. That is all we know about it.

Q. You do not know who actually does the work? A. Well, we ask them, and we advertise for people living in private houses.

Q. Private houses? A. Yes.

Q. Are there many people living in private houses who apply to do this work? A. Quite a number.

Q. They all say they live in a private house because of the advertisement I suppose? A. That I don't know, whether they are or not.

By Commissioner DREIER:

Q. You do not investigate the homes? A. We try to govern that by their addresses.

By Mr. ELKUS:

Q. You look at the addresses? A. Yes.

Q. If the address looks all right, and the woman looks all right, you give her the goods? A. Yes.

Q. Have you ever gone into any of the places yourself, or sent anybody to see under what conditions these dresses are made? A. No; I do not think I ever did.

Q. These dolls, after they are made and dressed, are sold to the retail stores, I suppose? A. Yes.

Q. And are used by the children of the city? A. Yes.

Q. How much do you pay a gross for sewing them? A. Well, we pay on dresses, from twenty-five cents to a dollar a dozen.

Q. Do you know how long it takes to sew together a dress? A. Well, I guess, I guess they can sew a gross in — well, we can make that in the factory, I can tell you better what we can do in the factory.

Q. How many a day can you make in the factory? A. A woman can make about eight dozen a day.

Q. In the factory? A. In the factory.

Q. And that is by machine or by hand? A. That is by machine.

Q. At home do you know whether they use a machine? A. They have to use sewing machines of course.

Q. Do you pay as much in the factory or more in the factory? A. We pay the same, or a little less in the factory.

Q. How much less? A. Sometimes five cents a dozen.

Q. Why do you give any work out? A. We need the work turned out when we are busy.

By Commissioner DREIER:

Q. You say you give five cents a dozen for work in the factory?

A. No; I say the outside work, sometimes pays more than in the factory, sometimes five cents a dozen less.

Q. Five cents a dozen in the factory? A. Twenty-five cents a dozen is the lowest rate of work. That ranges up to a dollar a dozen. An outside worker has no trouble to make from a dollar to a dollar and a half a day, if she works at all. Our work is very simple; they make very good wages.

Q. I do not understand about inside the factory? A. Inside the factory we pay the same price.

Q. I thought you said something about five cents? A. We pay sometimes five cents more outside.

By Mr. ELKUS:

Q. Now, Mr. Goldenberg, is it because you in the rush season have not got room enough in your factory you give it out? A. Partly; yes.

Q. What other reason is there? A. We have some very good workers outside, turn out the work very nice, and we keep them.

Q. Do you know whether children are employed in the homes? A. I do not think so.

Q. Do you know anything about it? A. I really do not know. I do not think a child can run a sewing machine, a little child.

By Commissioner DREIER:

Q. Do you supply the thread and needles for the persons outside the factory? A. We give them thread.

By Mr. ELKUS:

Q. At home they have to furnish their own sewing machine?
A. Certainly.

Q. In your factory you give them a sewing machine? A. Yes, sir.

Q. And you give them the power to run it? A. Yes.

Q. Electric power? A. Yes.

Q. At home they either have to furnish foot power or furnish their own electricity? A. Yes.

Q. Of course you have no rent to pay for the space occupied by the home worker? A. No, sir.

Q. Are you in favor of home work being allowed, or are you opposed to it? A. Yes; I am in favor of it.

Q. You are in favor of it? A. If it is done right.

Q. Do you mean if it is done in private houses? A. Private houses.

Q. Not in tenement houses? A. Well, I won't say that.

Q. Why do you add that you will only give work to people who work in private houses? A. We did not know that there was — to be frank with you, we were informed a year ago that there was an investigating committee on this thing, and we looked it up, and we thought it would be a good idea to stop it, and we did.

Q. You thought it was a healthful thing to stop it? A. I did, when there was disease in the house.

Q. You thought there was less disease in a private house than a tenement house? A. I did.

Q. That is why you advertise for workers who live in private homes? A. Yes.

Q. Would you be in favor of restricting it to people who live in their own homes — I mean occupy a house all to themselves?
A. No, sir.

Q. Would you permit people who live in a tenement house to do the home work? A. If it is done right.

Q. What do you mean? A. Well, for instance, the women that take this work, they need the money. Sometimes their husbands do not earn enough money; they have babies to look after and they cannot leave home. Wash women do that.

Q. What do you mean, if it is done right; you mean under supervision? A. Well, in a way, yes.

Q. You mean to put every home where this work is done under the same supervision your factory has? A. I think if there is disease in a home, we ought to be notified.

Q. Your factory is regularly inspected by the Labor Department and the Health Department? A. Yes.

Q. Do you mean, when you say that if it is done right, the work at home, or the places where the work is done in tenements, should be inspected as a factory is? A. I think it would be a good idea.

Q. Do you think that it is practicable? A. I do not know; I really do not know.

Q. If it could not be done, if it was not practicable to inspect places in tenements where work of this kind is done, would you be in favor of abolishing it or of prohibiting it? A. Yes, sir.

Q. That is all, unless you would like to say something more? A. That is all.

DAVID MULLINEAU, called as a witness, and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your full name? A. David Mullineau.

Q. What is your business? A. Hand embroidery work.

Q. And you have a factory? A. Yes.

Q. Where is it? A. 130 West 96th street.

Q. How many people do you employ in the factory? A. Between fifty and sixty.

Q. Men and women? A. All women.

Q. How many girls under sixteen? A. I do not have any — I think there is only one. Yes. There is one.

Q. How many under twenty-one? A. Under twenty-one, about ten.

Q. They work by the piece or by the week? A. All piece work.

Q. Do you give work out to people who do it in their homes? A. We give out — we do not advertise to give out, but sometimes

we have a girl there, and she works for a couple of years, or more, and afterwards gets married and says, "I want to have some work at home." I see they do nice work and we give them some.

Q. You only give it to your employees who get married — they have got to get married to get home work? A. Well, we don't advertise.

Q. You don't advertise? A. No; we don't advertise to give it out.

Q. How many people have you had during the last year working at their homes for you? A. We have about the same, like this, twenty-five.

Q. Working home? A. Yes, during the rush season. There are now about ten.

Q. Do they work by machinery? Or by hand? A. All by hand.

Q. Do they get paid by the dozen, the gross, or what? A. No; by the piece.

Q. By the piece; how much do they get paid a piece? A. This depends upon the kind of monogram, and initials.

Q. You make monograms? A. Yes, sir; all monograms, nothing else.

Q. Is it so much by the inch, or what? A. All by the inch.

Q. Do you inspect the places where these women live who do the work at home? A. Yes, sir.

Q. You do it yourself? A. Yes; because we have a very expensive piece, and we have to know where we send the goods.

Q. You do it on account of the value of the goods? A. We do it for everything, to see what kind of house it is. We want to know the place. We do not give the work out at home if we do not know the people, if we do not know the house.

Q. Do you pay the same price for work done out? A. Exactly the same price.

Q. You have a reason haven't you for inspecting the homes where these people work? A. Yes.

Q. What is the reason? A. The reason, one thing, we have to look at the place, that we don't get the things dirty, and that we do not have it spoiled. We see it is a nice place, a comfortable place, not a dirty house, we do not give it out in any dirty place.

Q. How about sickness? A. Well, I look after that too, if there is some sickness, we do not give it out. We stopped that. When there is sickness we do not give it out; we stop it absolutely.

Q. Do you yourself go around, or send somebody? A. Somebody goes. Sometimes I go, but my daughter, she goes. Where there is something, she goes, and sees it, and we stop giving it out.

Q. Why are you so careful about the sickness part? A. Well, I will tell you that. Three or four years ago, we had a child and—

Q. Your own child? A. Yes; my own child; she came in the factory, and we have a sickness, and she takes the diphtheria, and in three days she dies. After that we are very careful in the factory, too.

Q. You do not think it would be right to permit the work in the homes, unless somebody inspected it to see if the conditions were good? A. I think it would be very nice if they did.

Q. It ought to be about the same as your factory is inspected, your factory is now inspected? A. Yes.

Q. You think the work at home ought to be inspected the same way? A. I think that for a case of sickness, I think it would be very good—you go and send boy, and see in the paper from the Board of Health says sickness in the house, so I stop it; I try to prevent it. I do not know if we can or not.

By the CHAIRMAN:

Q. What is your idea, that we ought to stop the work at home, or have it under supervision? A. Well, I think stop the work, I do not think is very good, in my opinion, and because sometimes, suppose you have a woman whose husband is dead, and she has three little children, and she is a nice woman, she is doing pretty good work, and clean, and clean home, so I help her along. So many cases like that; sometimes the father is very old, or something; but I think a good thing is to look at it, to see the house is in condition.

Q. You say in one case you found where you had given work to a woman who did it at home, you sent a boy there? A. Yes, sir.

Q. Accidentally or did he go to get the work? A. He went there, there was some delay.

Q. Ho found a sign, a Board of Health sign on the place? A. Yes.

Q. That there was what, scarlet fever, or something? A. I cannot tell you exactly.

Q. Some disease that the Board of Health had put up a notice about? A. Yes.

Q. That means a contagious disease? A. Yes.

Q. Your man took away the work then, you would not let it stay there any longer? A. No, we did not send any more, while if she has the work, she keeps it there.

Q. If your boy had not gone there because the work was delayed, you would not have known anything about it? A. No; I don't think so, that is right. I cannot know.

By the CHAIRMAN:

Q. That is where you think the supervision would come in?

A. It would be a very fine thing, yes.

By Mr. ELKUS:

Q. Suppose it was not practicable to have supervision, would you be in favor of abolishing home work? A. Will you please say that again?

Q. Suppose it was not practicable — you know we have got to take this thing from a practical standpoint. Suppose it were not practicable, it would not be permissive, it would be too big a thing, to inspect every place in which work was done at home, as they inspect your factory, would you be in favor then of abolishing the work at home? A. Well, abolishing, I think it is no good for the factory, no good for the people, but it don't mean very much for me; just about the same thing. If I have a big factory, I could have plenty of room, in my opinion, I think by giving the home work sometimes I help a great deal some woman in my line of business. Then we have the same pay, all the same pay.

Q. Do the women take home work who work in your factory, work to do at home after they get through? A. In the rush time we do that, in rush times.

Q. A woman works in your factory during the day? A. Yes, sir.

Q. And then she takes home work to do at night? A. Sometimes they come at eight o'clock in the morning, or sometimes at ten o'clock, and sometimes at twelve o'clock. They take piece work, and after they have breakfast and come there 10 or 11 or 12 o'clock. If you seen my factory between 8 and 12 o'clock, they are always coming.

Q. I am talking about the girls who come at eight o'clock and stop at six o'clock, and then take work at home in the rush season; you have some girls who do that? A. Yes; but eight o'clock, I do not think before nine o'clock, still, in the rush, there is not five girls there. They come late.

Q. Do they take home work to do on Sundays in the rush season? A. Yes — I don't know. It really is a hard thing. My daughter, she don't know — we give the work by the dozen, and we pay by the piece, but we give a dozen, we don't know if they do the work in the bundle, or take some home. It is hard to control those things.

By Commissioner DREIER:

Q. This is skilled work, of course; you cannot employ children? A. No.

Q. How much do you say you pay by the inch? A. It is all by the inch. The least is six cents an inch, for one letter, a script letter, and sometimes it is 15 cents an inch, 20 or 25 cents, or less; one is 7 cents each.

Q. Do you know how long it takes to make the letter? A. Yes.

Q. How long? A. What we pay six cents for will take about twenty minutes. She makes pretty good wages, but we do the work for the biggest stores in New York, McCutcheon's and Altman's, and we must have all absolutely experienced girls, but they make very good wages. We have girls that make \$25, \$20, \$15 and so on.

Q. You don't know whether those girls who take the work home give it out to somebody else to do? A. No, no; we know that. We know by the work, by the hand work.

By the CHAIRMAN:

Q. She does it herself, does she when she takes it home? A. Yes.

Q. The girl does it herself?

Mr. ELKUS: Is the superintendent of the Habicht-Brown Company, or any representative of that company present?

(No response.)

Messrs. Louis Amberg & Sons, anybody representing them here, any member of that firm? If there is anybody here from Louis Amber & Sons, 42 West street, I would like him to let me know.

(No response.)

DAVID ROSENTHAL, called as a witness and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your business? A. A manufacturer of fancy goods — leather goods and fancy novelties.

Q. Where is your place of business? A. 860 Broadway.

Q. What is the firm name? A. A. R. Steinhart & Brother.

Q. How many people do you employ in manufacturing? A. We have about fifty people in the house.

Q. How many do you employ outside of the house? A. None.

Q. How much work do you give out? A. In that factory we give out no work to my knowledge.

Q. In what factory do you give out work? A. We do not have a factory. In one of our departments, we are manufacturing a certain hanger that we give to a woman, who is some relative of some members of the firm, of the corporation.

Q. You give it to her as a contractor? A. Well, you may say so.

Q. She does it at home? A. She does it at home and had it done outside.

Q. You subcontract the outside work; is that it? A. I won't say that.

Q. That is what it amounts to, isn't it? A. Practically speaking.

Q. You don't know where she has it done; you don't follow that up? A. No, I don't.

Q. You make a contract with this lady to do all your outside work at a certain price, is it? A. Not all our outside work; simply that article.

Q. Do you do any other outside work there? A. No.

Q. Then she does all your outside work? A. Well, if you —

Q. How much does that amount to a year, how many dozens or gross? A. I can't tell how much it amounts to for the year. The season for the article is the present time. It is more of a holiday article. I have got the amounts here that this woman has gotten from us, in showing her profits.

Q. Her profits? A. What she makes, what she gets.

Q. Her receipts or her profits? A. Her profits.

Q. You do not know how much she receives then, do you? A. No; I cannot give you that.

Q. How do you figure her profits? A. By her husband telling me what she makes per dozen on these goods.

Q. You mean what she makes, she gets it done cheaper than you pay her? A. Yes, sir.

Q. Do you know how much she pays? A. Yes.

Q. How much does she pay? A. She pays twenty-five cents a dozen for an article that she gets thirty cents for.

Q. She gets thirty cents a dozen from you? A. Yes.

Q. She sublets the job and gives it out at twenty-five cents? A. Yes.

Q. Where does she have the work done, tenement-houses and homes? A. I suppose so; at home.

Q. Children do it? A. I don't think so; they are women.

Q. Do you know anything about it at all? A. All I know is that certain women come to her house and she employs and gives these things out.

Q. They take them home? A. They take them home.

Q. How many she employs you do not know? A. Between 25 and 30 at present.

Q. She has told you that? A. Her husband has told me that. I have not seen her.

Q. Mr. Rosenthal, in your factory all the workers are supervised by the State Department of Labor, are they not? A. They are.

Q. Your factory is regularly inspected and you keep it of course according to the law? A. We do.

Q. These women who work at home or children, whoever they are, you do not know anything about; there is no supervision of the work or the place in which they work? A. Nothing, sir.

Q. Don't you believe, as an intelligent manufacturer, they ought to be inspected the same as your factory is? A. I do.

Q. Do you believe in this home work being done, or do you believe it ought to be prohibited? A. I think that home work should be done under certain restrictions. I think it would work a hardship with a great many people if it was abolished altogether. I dare say there are a great many articles manufactured at home that should be discontinued.

Q. Should be discontinued? A. Yes.

Q. Such as foods, foodstuffs? A. Yes.

Q. Would you be in favor of absolutely prohibiting all foodstuffs, or things eaten, being made in homes? A. I would.

Q. For health reasons? A. Yes.

Q. Would you be in favor of articles of this kind being made at home under restrictions? A. I would.

Q. The kind that you manufacture? A. Yes.

Q. What restriction? A. Well, I would suggest, or my opinion, rather, is that where factories give out, or where any house gives out work at home it should be reported to a certain bureau or certain official, that they have given out to this home worker, or to such and such girls, and the home be investigated.

Q. And kept under supervision like your factory is? A. Yes.

Q. Suppose that was not practicable; it might be a Herculean task you see. Would you be in favor, if it was not practicable, of prohibiting the work? A. Well, that is a very serious question to answer. It would create a lot of hardship for a great many people.

Q. Well, of course we have got to consider the health of the great mass of the people as against perhaps what might be a hardship on a few, which is problematical, that hardship; you know that a great deal of sickness and disease occurs through having goods made at home? A. Quite right.

Q. You have dolls dressed at home? A. Beg pardon?

Q. You have dolls dressed at home, in your factory? A. That is another factory. We have been manufacturing a doll, but we

have been doing nothing in that factory practically for three or four months.

Q. Up to three or four months ago when you had dolls dressed there, they were dressed at home? A. No; they were not dressed at home.

Q. In your present factory, or any of them, do your employees take work home to do after they get through their day's work? A. Speaking of our 820 Broadway, I know of no one taking home any work.

Q. How about your other factory? A. There is practically nothing being done there to-day, Mr. Elkus; there is no work given home that I know of.

By Commissioner DREIER:

Q. When you have used it, how has it been done? A. Well, the work as far as I know at that time, they give out these little shirts, and the dressing of the doll itself is practically made in the factory.

Q. But the shirts on the dolls are made in the homes? A. They are made outside to a great extent. We also have them made inside.

Q. Do you pay the same price for those made in and outside? A. I cannot answer that; I do not know; I believe that the inside work was done by the ones who were being paid by the week — I think so, if I am not mistaken, and the outside, I believe they gave them out and paid so much for them. I do not know to what extent that was done.

By the CHAIRMAN:

Q. The reason you give work out is because it is cheaper, isn't it, it is more profitable to you? A. I won't say that.

Q. No? A. No. I believe the work was given out for the reason they could have so many more workers do them, and done so much quicker than we could get it done in the house.

By Commissioner DREIER:

Q. Your factory was not big enough for all of the working people engaged? A. Quite right; that factory has been practically abolished.

By the CHAIRMAN:

Q. I was speaking about home work in your other factory? A. No; we give no home work; whatever we have done is done in the house.

By Commissioner DREIER:

Q. You do not keep any supervision over the homes when you send out work? A. No; not to my knowledge.

Q. So you do not know whether children were doing it? A. I do not know.

WILLIAM T. TAYLOR, called as a witnesses and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. Taylor what is your full name? A. William T. Taylor.

Q. You are the president of what company? A. The Anglo-Egyptian Cigarette Company.

Q. They make Egyptian cigarettes? A. Yes, sir.

Q. Where is the factory? A. 140 East 34th street.

Q. You make fancy cigarettes for a number of the hotels? A. Yes.

Q. And the clubs, and also high class stores? A. Yes, sir.

Q. They are all monogramed or marked specially for each institution, or hotel? Monogramed specially? A. Yes.

Q. Are those cigarettes made in your factory? A. All of them, yes.

Q. All parts of them? A. The boxes are not; the boxes are made out.

Q. How about the cigarette cases, the paper wrapped around them? A. Well the men take those home, each day's work they take home for the next day, just to save time.

Q. What do you mean by that? A. Say for instance 1,500 cigarette papers, they make them into a tube, and bring them with them the next morning.

Q. They do the work at home? A. Yes, sir.

Q. Making them into tubes; is the paper made into tubes first before the tobacco is put in? A. Yes.

Q. You have men and women working in your factory, or only men? A. Only men.

Q. How many men do you employ? A. About six or eight, ten, depends altogether on the amount of work we have.

Q. Not any more than ten? A. No.

Q. These men of course who take these papers home live in the tenement houses in the neighborhood of your factory in 31th street? A. I suppose so.

Q. You have never investigated to find out where they live? A. No.

Q. How do they fasten the papers together? A. With a sort of paste.

Q. Paste? A. Over a round stick; they twist it up.

Q. How long does it take them when they get home to do this kind of work? A. About three-quarters of an hour.

Q. Why don't they do it in the factory? A. It saves them that much time in the factory.

Q. Are they paid by the piece? A. By the piece.

By Commissioner DREIER:

Q. They are not paid for doing this particular thing? A. No.

By Mr. ELKUS:

Q. That they don't get paid for? A. No, sir.

Q. That is thrown in? A. That is thrown in.

Q. Do you know whether or not they lick it with the tongues to fasten it together? A. I have never seen any of them do it that way.

Q. You have never seen them do it at all? A. Oh, yes; they often do it in the factory, if we are in a hurry.

Q. Then would it surprise you to find that they did lick it with their tongues? A. I do not think they could do it.

Q. You do not have any home work, then, outside of that? A. No, sir; none at all.

Q. Of course these men who do that work in their homes, these cigarettes are all smoked by people, do it wherever they live, and wherever there may be disease or sickness or anything, you don't know anything about that at all? A. No; nothing at all.

Q. Don't you think it would be better if they were prohibited from doing it in their homes? A. Yes; I think it would.

Q. You would be in favor of that? A. I certainly would, yes.

By Commissioner DREIER:

Q. Do you say they do about 1,500? A. About 1,500.

Q. In three-quarters of an hour? A. Yes, sir.

Q. You don't know whether the children in the home do it? A. No.

Q. It could be done by children? A. Not by children; it could not be done by young children.

By the CHAIRMAN:

Q. You are in favor of abolishing that? A. Yes; I am; certainly would be.

Q. Why do you send it out? A. Well, it has been the custom.

By Mr. ELKUS:

Q. I want to show you a photograph, Mr. Taylor, of a man who is making cigarettes or rolling cigarette paper; isn't that the way your men are supposed to do it in their homes? A. That is not the way it is done at all.

Q. That is not a correct photograph? A. Well, that may be a correct photograph; he may have done that.

Q. But that is not the way you suppose they do it? A. I should say not.

Q. That man has a stick in his hand, hasn't he; on which they roll the cigarette paper? A. Yes.

Q. And he is moistening the paper with his mouth or tongue? A. So it seems there.

Q. Isn't it the trouble that the paste which is on this paper gets dry, and they have to moisten it in some way? A. Well, I don't think the paste that is put on could be moistened in that way; and the paste they use on ours, it might be freshly done, and is done very quickly.

Q. The paste is put on in the factory before they take the papers home? A. No.

Q. Where is the paste put on? A. After they have it at home.

By Commissioner DREIER:

Q. Do you provide the paste? A. No; I don't think so.

Mr. ELKUS: They have to provide their own paste.

Q. You say you favor the abolition of this thing? A. I certainly do.

Q. Is it because of competition that it is done? A. No, simply because it saves them about three quarters of an hour of time.

Mr. ELKUS: Is there any other manufacturer here who desires to be heard on the question of home work? Is Mr. Pincus here?

WILLIAM PINCUS, called as a witness and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Mr. Pincus, what is your business? A. I am of the firm of Pincus Brothers, manufacturers of made to order cigarettes.

Q. Where is your place of business? A. 157 Cedar street.

Q. How many people do you employ? A. In the factory?

Q. Yes? A. Twenty-five.

Q. How many out of the factory? A. None out of the factory. When I said in the factory I wanted to know whether you meant clerical force.

Q. Only the men in the factory? A. Twenty-five.

Q. Do they take work home? A. No; no work is allowed to be taken out of the factory, because it is contrary to the revenue law; you are not allowed to give cigarettes out of the factory.

Q. Do they take home the cigarette papers? A. I went around the factory this morning before I came up here. I found out of eighteen cigarette workers, working there to-day, only five of them knew how to make their cases. Those five took them home and make them at night, or their wives make them in the day time.

Q. Why do they do that? A. As a fact—I think it is done by those men that take it home, it is done because their children paste the papers, the process is this: The paper comes flat in

blocks of five hundred from the printers; they take the papers and split them into blocks of two hundred and fifty, then take a piece of bone—I have only seen it done two or three times myself—I think it is done this way: They take a bone and draw it across the paper and that brings it down in little piles with the edges protruding, and then they take the paste on a brush and put it over the edges, then take a brass rod and stick it in the centre of these papers. It is a most marvelous thing to me to watch them, the rapidity with which they make them. They come off the stick round and the children take and flatten them; they must all come to the factory for the cigarette makers flattened, because the cigarettes are oval.

Q. Why is not that done in the factory? A. You cannot get them; you cannot get them to come to the factory.

Q. You can prohibit them from taking them home? A. Only five take them home; the others are given to case makers who do nothing else.

Q. Who do it outside of the factory? A. Who do it outside of the factory.

Q. That is this work all done in the home? A. Yes. I imagine it is done in the tenement houses.

Q. You employ what? Syrians and Greeks? A. Syrians and Greeks and Turks.

Q. And that work is done down at Washington street? A. No, sir; most of them are farther east. I believe there are only a few of them down on Washington street.

Q. It is done in pretty low grade tenement houses? A. I imagine it is, although the people make good money.

Q. Oh, yes; but they live in pretty filthy surroundings—that is not your fault, but that is a fact? A. I am afraid that is true.

Q. Your cigarettes are all the very finest grade, they are all made to order? A. Yes.

Q. For people who insist on having their own names printed on the cigarettes? A. Yes.

Q. These children who make them, do you know if they ever use their lips? A. No; that is impossible, and I would like very much to see the photograph.

Q. Yes; I will show you the photograph taken of a man engaged at work. Of course you say you have only seen it done once or twice? A. I have only seen it in the place where they are made.

Q. Was it in your factory? A. We have some of them made in the factory. I have tried thousands of times to get the case makers to come and make them.

Q. Suppose you absolutely refused to permit them to take them home? A. The most of them do not take them home; only five take them home.

Q. Those who do not take them give them out to a concern and they take them home? A. They take them home I suppose.

By Commissioner DREIER:

Q. Do you pay your men for that extra work? A. My men get one dollar and sixty cents and two dollars a thousand for making cigarettes and for furnishing the cases. They pay twenty cents a thousand for making these cases and this morning I was told that the people who make the cases make from 12,000 to 14,000 of them a day—that is for plain tips, and they get twenty-five cents and thirty cents for cork tip cases, so it is not a question of proper labor; they get well paid for it.

By Mr. ELKUS:

Q. Do you make these celebrated "Votes for Women" cigarettes? A. Yes; we put everything on cigarettes.

Q. They were made in the same way, were they? A. Yes.

Q. Of course you want to make your cigarettes, I take it, in as healthful a way as possible? A. We are very careful about it.

Q. You think having these papers sent home to be made by these Syrians in their homes—it— A. It is a bad feature.

Q. It should be prohibited? A. It should be prohibited; there is no question about that.

Q. The only way you can prohibit it is by changing your methods of paying, isn't it? A. I had not thought of it in that way. Probably the only way would be by simply saying we won't give out any cases and have the people come here and make them; but I have tried that several times and cannot get the people to do it.

Q. Of course your customers all suppose these cigarettes and papers are all made under the best possible sanitary conditions?

A. I don't think they ever give it a thought.

Q. Your reputation is such they do not have to think about it?

A. I smoke the cigarettes myself. That shows I have confidence in them.

By Commissioner DREIER:

Q. Would you approve of prohibiting home work? A. Yes.

Q. I mean generally? A. I mean in everything.

Mr. ELKUS: These are the very highest grade cigarettes that are made; you make them only to order.

JOHN E. WILLIAMSON, called as a witness and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. What is your business? A. Manager of manufacturing cigarettes and tobacco.

Q. High grade? A. High grade.

Q. You make them to order for people? A. Anyway you want them.

Q. With gilt monograms on them? A. Yes.

Q. Where is your factory? A. West Twenty-second street.

Q. What number? A. 507 we start at.

Q. What is the name of your firm? A. The American Tobacco Company; the old Kenney factory.

Q. How many people do you employ? A. About 1,400.

Q. And they are all engaged in making cigarettes? A. Not all; some tobacco cigarettes, paper boxes, printing.

Q. It is all in the cigarette industry? A. All in the cigarette industry.

Q. Do you give out any work to be done at home? A. Well, we have three regular hand makers that take the cases home.

Q. Three men who take the cases home? A. Yes.

Q. And do it at home? A. Well, they make the cases home really.

Q. They do the casing for the whole factory? A. No; for those three only. All our other cigarettes are made by machinery.

Q. For these specially fine hand-made cigarettes? A. Special hand-made, yes.

Q. Do you make cigarettes for women too? For ladies, small size? A. We make all sizes; ladies' size.

Q. These fine grades of ladies' cigarettes are also made, the casings are also made at home? A. No; we make those cases by machine, a great many of them.

Q. You don't make any hand made cigarettes for ladies? A. Well, I don't remember any just now. We have in past years.

Q. Now, these three men, do you make a contract with them, or pay them by the thousand? A. We pay them by the thousand.

Q. How much are they paid a thousand? A. Different prices; \$1.25 a thousand and \$1.50; it all depends. On the gilt topped cigarettes we pay \$1.50.

Q. You furnish the paper? A. We furnish the paper; they make the case and stuff it.

Q. They do it all at their homes? A. No; they make the case at home.

Q. And then bring the things there? A. Yes, sir. We give them \$1.50 for making cigarettes.

Q. Why do they make the cases at home? A. The man can make more cigarettes during the day making the cases at night.

Q. That is because he wishes his family to help make the cases? A. I suppose he does.

Q. What are the names of the three men you employ? They are Greeks aren't they? A. No; Rosenblatt is one name.

Q. And Anaryyos is another? A. Yes, sir; and the other is Gerwitz. We have one woman also, been with us a number of years.

Q. Do you know where this man lives? A. I do not know.

Q. Is it 70th street and Avenue A? A. I do not think any of them live there. These two people I have mentioned live on the east side somewhere.

Q. Have you ever been in the place where they make these? A. No, sir.

Q. Is this a photograph of the men, one of the men you employ (showing photograph to witness)? A. No, sir. *

Q. That is not one of your men? A. No; he never worked in my factory that I can recall.

Q. What? A. I do not remember seeing him in my factory.

Q. Have you ever seen a man and his family making these cigarette papers at home? A. No, sir.

By Commissioner DREIER:

Q. Do you approve or disapprove of this method of working?

A. I disapprove of home work.

By Mr. ELKUS:

Q. You do not think it should be done at home at all, any of this work? A. No, sir.

Q. That is under regulation? A. I think it would be better to have it all done in the factory.

ELIZABETH C. WATSON, called as a witness and duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Miss Watson, have you been employed by this commission? A. Since last May.

Q. What have you been doing during that time? A. In making an investigation of the outwork, up-state and in New York City.

Q. What do you mean by the out work? A. Of the work done out of the manufacturers' premises.

Q. How many people have you had under you making this investigation? A. From nine to eleven.

Q. Men and women? A. Men and women.

Q. Will you tell the Commission about how many places you have investigated where this work has been done, and what cities you have found the work done in, and generally give an idea of just what you have done? A. You mean what we actually found done, Mr. Elkus.

* See photograph in Appendix IV, Volume II, of the Report.

Mr. ELKUS: Yes; I want to see what cities you went to. A. Buffalo, Niagara Falls, Lockport, Tonawanda, Rochester, Syracuse, Utica, Herkimer, Little Falls, Troy and New York, Brooklyn and the Bronx.

Q. In all these cities was work done at home? A. In all these cities where it was possible to have any work given out from the factory, it was given out.

Q. First tell us generally what you did in the course of your investigations in Greater New York? A. We first went to the factories and got the names of their outworkers, found what proportion of their workers were outworkers. We followed up the names and addresses and investigated those workers in their homes, and found out under what condition this work was being done, under what condition both as to wage, sanitation, number of children workers employed.

Q. Miss Watson, have you had experience in this work before you became connected with this Commission? A. I have been working on this question almost exclusively for three years.

Q. With what committee? A. The New York Child Labor Committee; the National Child Labor Committee; and the Child Welfare Exhibit.

Q. You say you went to factories in New York City where they employed people out, and got lists of names; then did you go to the homes? A. Yes; we followed those names.

Q. How many such homes did you visit, you or your inspectors in New York City? A. New York City, 350 in this recent investigation.

Q. How many before? A. Counting the Spring investigation, brings it up to a thousand homes.

Q. Thousand homes in Greater New York? A. In Greater New York.

Q. How many were in the Borough of Manhattan? A. The majority of them are in the Borough of Manhattan.

Q. Are any of them in private houses, where one family occupies the house? A. Very, very little of it. I think there may be five cases.

Q. Five out of the thousand, and the others were located where? In tenement houses? A. In tenement homes.

Q. Now, Miss Watson, how many did you visit outside of New York City, how many in Buffalo, how many in Rochester, how many in Syracuse, and how many in Utica and how many in Troy? A. May I consult my records?

Q. Surely. A. We intensively visited one hundred and forty-eight homes outside of New York City.

Q. In the last inspection? A. Yes.

Q. Will you state generally just what was done, just what you discovered in your investigations of the home work in Greater New York in your two investigations? And you may show if you like any of those photographs or exhibits which you have in the room. I wish you would tell the Commission fully and carefully just what you observed, using any of your records and memoranda that you may wish? A. Taking the entire investigation, last Spring and now?

Q. Yes? A. Last Spring we started to make an investigation of trades that were regulated under the present State Factory Law.

Q. What do you mean by that? A. The trades that are on the licensed list.

Q. You mean there are special trades where they can send work out to homes? A. There are forty-one trades, forty-one are on the list, in which they are permitted to manufacture providing they have a license; anything else may be manufactured without that license.

Q. Forty-one of them must be licensed? A. Yes.

Q. Give us some of the forty-one, or tell me as many of them as you can think of. A. Flowers, men's clothing, slippers, aprons, overalls, paper boxes, paper bags, nuts, picking of nuts, millinery ornaments.

Q. Fur garments, paper bags, feathers, artificial flowers, umbrellas, etc. Well, now, these cannot be manufactured in the homes unless they have a license from the Commissioner of Labor; is that right? A. Yes, sir.

Q. The whole house however gets the license, not each family in the house? A. The entire house is licensed.

Q. What has to be done to get the license, is it a mere matter of form? A. The landlord or janitor goes to the State Department of Labor and applies in person for a license.

Q. That is all there is to it? A. That is all there is to it.

Q. There is no inspection? A. Yes; the State Labor Department sends an inspector to that house to see if they are living up to the sanitary regulations if work is given to them.

Q. Is there any inspection after that? A. Supposed to be twice a year.

Q. Are there any actual inspections? A. I think pretty generally, once a year a survey is made—not a careful inspection, but a general survey.

Q. There is nothing in the law which prohibits them from employing children under sixteen years of age? A. No.

Q. Or under fourteen years of age, in any of these licensed places? A. This law refers simply to sanitary regulations, not to hours of labor or the ages of the children employed.

Q. In your investigation did you find a great many tenement houses where they actually did a kind of work which ought to be licensed, or where the house ought to be licensed, without a license? A. Yes; a very large proportion of them.

Q. Have you got any figures on that subject? A. We found that 30 per cent. of the work being done on flowers was done in unlicensed houses.

Q. Perhaps I ought to let you go on in your own way? A. Out of the nuts, nut picking families, 46 per cent. —

Q. Tell me what nut picking is? A. Nut picking is separating the nuts from the shells.

Q. How is that done? Does some firm send the nuts out in the shells? A. The nut people crack them in the factory and send them out. This is only in reference to pecan nuts which require to be picked by hand. Most of the other nuts can be picked by machinery.

Q. Pecan nuts are cracked by hand? A. They are cracked by machinery in the factory and picked out in the homes.

Q. How do they pick them out, with a tool, or the fingers, or what? A. With the fingers generally; some times with a hair-pin, sometimes a nail or knife.

Q. Who does the work? A. About 60 per cent. of it is done by children.

Q. You have some photographs of their work being done? A. There are a number of photographs on the screens of nut picking.

Q. Tell us the conditions under which you found that work was being done? A. The very worst conditions, and the nut picking families, the homes were generally in the lower west side, around in Laight street, that old quarter of the city, where the conditions are very bad indeed, and the tenements were dark and unventilated and dirty. The families of the nut pickers were a poorer class of Italians than any of the others, and were living under more poverty stricken conditions.

Q. How old are the children that do the work? A. Any where from four to sixteen.

Q. When do they do it, at what hours? A. After school and at night.

Q. How late at night do they work? A. Until they finish the work. If the work is not finished at eleven, they work until 12.

Q. At night? A. If they take 80 pounds, which is the largest amount of nuts a family can take home in a day, if the family have completed those nuts at nine o'clock, they go to bed, if they finish them; they finish them that night.

Q. Beginning when, four o'clock, or three o'clock? A. The children begin after school providing they have been in school. They evade the school law as much as possible.

Q. Well, now, I interrupted you. Go back and tell me about the percentage of licensed and unlicensed establishments. A. We visited 307 that were licensed and 288 that were unlicensed.

Q. Which ought to have been licensed? A. No; we visited 307 which were licensed, 288 which were unlicensed.

Q. Which ought to have been licensed? A. Yes; they were a licensed trade. We visited a great many that were not licensed.

Q. How many houses were there where work was done which did not require to be licensed? A. You mean that were visited?

Q. Yes? A. It is very difficult to give figures, Mr. Elkus, because we have not only visited houses — we visited a great many houses where work was going on, where we did not get a history.

Q. Go right ahead. Describe the different things you saw, and your inspectors reported, and use the photographs as illustrations. I see you have a lot of articles here, just tell us where you got

those, and tell us what you did and what you found and what you saw. A. First we went to the factory and got a list of the names to be investigated. We found 80 per cent. of those names and addresses investigated did not live in the addresses given by the manufacturers.

Q. Well, how was that? A. The people had either given an incorrect name and address to the manufacturer, or the manufacturers had not verified his list. At all events they did not live in the houses at the addresses given.

Q. Did you follow them up? A. We tried to, but it was impossible to trace them. We were told they never had lived in such places and were unknown there.

Q. What is the next thing you did? A. Then we found this licensing did not amount to any thing, and we investigated trades which did not come under the license list this fall. We followed embroidery and hand crocheting. Of course those two are very large trades. We found in the embroidery that all the best firms in the city were giving their work out to be done in the homes, and there are at least, at a very conservative estimate, five hundred establishments giving out embroidery work. All the department stores do it.

Q. Give out what? A. Give out embroidery to be done at home, and that 61,000 would be a very conservative number for out workers on embroidery.

Q. 61,000 people? A. Would be a conservative number of people.

Q. On embroidery alone? A. On embroidery alone.

Q. These are all women and girls? A. These are all women and girls. Understand this is done without any inspection whatever. This is not on the licensed list.

Q. That is not one of the licensed trades? A. That is not one of the licensed trades.

Q. There is no inspection of any kind? A. No inspection of any kind.

Q. Did you examine or inspect any homes where this embroidery was done? A. Yes.

Q. What did you find the conditions to be under which it was done? A. Sometimes it was clean, sometimes it was not.

Q. Describe the places and if you have got any photograph I wish you would show them, or any of the work done, I wish you would get it. A. (The witness produces an embroidered chiffon waist.)

By Commissioner DREIER:

Q. Can you give us any idea of how many unlicensed trades there are working in the tenement houses? A. I would say considerably over one hundred; everything that can be done, with the exception of forty-one.

Q. That is really against the law, isn't it? A. No, it is not.

Commissioner DREIER: Why is there a licensed trade? I thought that that meant that only those things could be done.

Mr. ELKUS: The law reads "In order to do the following work in tenement houses there must be a license," and then they specify forty-one different trades.

The WITNESS: Everything else is practically an exemption list.

Mr. ELKUS: Everything else can be done without a license.

By Mr. ELKUS:

Q. How many homes did you visit where embroidery was being done? A. Nineteen homes.

Q. Well, describe the conditions which you found in those homes? A. Well, this home in particular --

Q. This one home in particular you are now talking of? A. Had a small, dark bed room; six children and five adults live in three rooms, which are decidedly dirty and overcrowded.

Q. Whereabouts was it? A. I have not the address here.

Q. I just want the street? A. The upper east side. The girl sits in the window who embroiders the chiffon waists, and gets 28 cents a waist, which it takes her two and one-half hours a waist.

Q. Twenty-eight cents for two and one-half hours for embroidering a chiffon waist. Have you got a photograph? A. That is a photograph of it, and it is in a rear tenement.

Q. In a rear tenement; are the children employed too? A. The children are not embroidering on that, it is too difficult for children to do.

Q. Is this the girl working at the window? A. That is the girl.

Q. This photograph is in the upper left hand corner, what is the photograph in the other corner? A. That is the door yard, where they go in and out of the tenement.

Q. Was there any other kind of home work done there? A. That was all in that particular house.

Q. Is this waist you have got the one she was working at? A. Yes.

Q. She gets how much for that? A. Twenty-eight cents I think it is.

Q. Twenty-eight cents for two and one-half hours' work? A. Yes; that is a better paid industry.

Q. This is the best paid, isn't it, of the whole lot of them? A. Yes, sir.

Q. This is done for some factory or department store? A. This is done for a big downtown firm.

Q. Were the conditions sanitary or clean or what in this place where the work was done? A. I would not call any condition sanitary where there is such congestion in a tenement.

Q. I see there are two children in this same room where this girl was working. What were they doing, just sitting there? A. Just sitting there.

Q. How much does this waist sell for, do you know? A. It differs in different stores; it depends upon which particular place it is sold at.

Q. The same waists? A. The same waists; it may sell in one store for one price—

Q. Where did you buy it? A. From the young woman who is making it. We had to duplicate her material and have it made. She had to give the exact amount back to her firm.

Q. Tell me what it sells for retail? A. About \$6, \$6.50.

Q. How much did you pay for it? A. I don't know; I did not buy it. I can give you the price.

Q. Very much less than that I suppose? A. I think it was \$1.25; I am not sure.

Q. You bought the material and gave it to this girl and she made it? A. Yes.

Q. You paid 28 cents? A. We paid her what we thought she ought to have for the number of hours.

Q. How much did you pay her? A. I think it was \$1.25 or \$1.50.

Q. And the material cost 25 cents? A. No; the material cost more than that. The bill will give you the exact cost.

Q. Is that a typical home where this embroidery is done? A. Yes, typical.

Q. Is any of this embroidery done in the factory itself? A. Yes; a good deal of it is done in the factory, but the factory workers also take the same work home to be done at night.

Q. Do they work at night after they get through? A. Yes, sir.

Q. When they work in the factory do they get better pay or less or what? A. A factory hand taking work home at night, gets the same rate of payment for the work at night and Sundays as in the factories.

Q. How much is that? A. Depends on the factories.

Q. Is it better pay than the homemaker gets? A. Very much more.

Q. About how much? A. It varies.

Q. It is always more? A. It is always much more.

Q. That is the work in the factory is paid better than this work at home? A. Always.

Q. What have you found to be the practice of the manufacturers, do they give out home work in preference to factory work, or factory work in preference to home work? A. Everything that can be done out, off the premises, is done off the premises. It saves the plant and gives them more room for indoor hands.

Q. Have you found factories that were not working full time, or not working all the people they had, and yet were giving out all the home work they could at the same time? A. This happens in some cases; it is not the case all the time.

Q. Will you tell me anything more you would like about the embroidery trade and home work — these are all women? A. All women and girls.

Q. How many hours a day do they work? A. At home work?

Q. In home work? A. It ranges from four to fifteen.

Q. The Fifty-four Hour Law does not apply to them? A. Does not apply to work done in the home, but it does apply, or should apply to the girls who take the work home after the shop hours.

Q. What kind of rooms do they work in when working at home, in a bed room, or a kitchen or what? A. It is usually in the room that is lightest. If it is a bedroom it is the bedroom. If the kitchen is the lightest it is the kitchen.

Q. Did you find any sickness of any kind in this embroidery work? A. You mean in embroidery in particular?

Q. Yes. A. I think not, in embroidery.

Q. Go on in your own way and tell us the rest of your inspections? A. We found a great deal of sickness among home-workers.

Q. Suppose you take that up and give me all the sickness you actually found and what they were doing, and all the circumstances of it. If you have any photographs or anything else I wish you would let me see them? A. One family was found running ribbons and sewing buttons on corset covers.

Q. How many in the family? A. They were five in that particular family. The father had tuberculosis; has had it for several years. He had just been sent away to the country.

Q. Was he working all the time? A. He had been working previously to being sent away. The house had not been fumigated; the family were still working.

Q. How many children? A. Five children in that family.

Q. How old were they? A. I cannot give the ages at this moment.

Q. Yes. A. In another home four members of the family were sick with typhoid. One was just convalescing; I believe the three had been nursed at home, while the other had been taken care of in the hospital. The family were working on feathers.

Q. What were they doing on feathers, willowing? A. Willow-ing. The little girl had been working all through convalescence from typhoid.

Q. These are feathers that are used in ladies' hats? A. Yes. In another house a young woman whose father had been sent

away to a tuberculosis hospital was working on doll's clothes in the same room where her father had been in bed, and the Charity Organization refused the young woman any assistance unless she would go to the hospital because she had it likewise.

Q. What is that? A. The Charity Organization refused to give the young woman any more assistance unless she would go away to the tuberculosis hospital, because she likewise had the disease. She was working on dolls' clothes.

Q. Making them for a large firm? A. Yes.

Q. Have you any photographs of these people? A. There is a photograph of that on one of the screens here. She sometimes worked until twelve or one o'clock at night.

Q. Is this the picture (indicating a picture on a screen). What is she making, Campbell kid jumpers? A. Yes, sir.

Q. Were those made for one of the gentlemen who testified here this morning? A. Yes.

Q. Which one? A. Mr. Goldenberg of the Actna Doll Company.

Q. I see that you have obliterated the face of this girl, was that done purposely? A. We did that purposely for the sake of the girl.

Q. This was in a tenement house? A. A tenement house in the upper east side.

Q. Go on and give us some more cases? A. In another family the mother was out when the investigator called. She asked for the mother and saw her come out of an apartment upstairs. On the door of this apartment was pasted a diphtheria sign by the Board of Health.

Q. That means that they are quarantined? A. Supposedly quarantined.

Q. What were they making in this apartment? A. Willow plumes.

Q. The mother came out of that apartment and went down into her own? A. Yes; and began to work and talked about her work. When she was through with the interview she returned to the diphtheria apartment.

Q. What was she doing in the diphtheria apartment? A. Visiting.

Q. Who was doing the work in this apartment? The children or — A. She had two daughters; they were grown.

Q. Grown daughters? A. Over sixteen.

Q. Go ahead Miss Watson. A. In other instances we found the children with a very loathsome contagious skin disease, and have seen children working on trimmings for felt slippers; they sew the fur trimming on them.

Q. By machine or by hand? A. By hand. One edge is sewn on in the factory and the finishing is sent out to the homes to be done.

Q. How much do they get for that? A. Different rates of payment; usually sixteen cents for twenty-five. That is not being done in New York City.

Q. That is outside of the city? A. Yes.

Q. They had this loathsome skin disease? A. Yes. A child had this loathsome skin disease, and it was playing with the slipper, had one of the felt slippers rubbing the fur against its face. We found the children with this same trouble lying on piles of finished clothing, about to be returned to the tailoring establishment.

Q. What nationality are the children? A. Italians, most of them. Most of the home workers are Italians.

Q. They were lying on piles of clothing? A. Yes.

Q. Men's or women's clothing? A. Men's clothing.

Q. Is that disease communicable that way? A. That is, I think.

Q. It is that way? A. Yes.

Q. This clothing and these slippers are made for high class concerns? A. The best that are made.

Q. Now go ahead and give us some more — these are all things you actually found and saw? A. These are things we have actually found and seen.

Q. Did you get any more photographs of those you have told me about? A. Not of those, no. We found a great many children doing this work.

Q. Tell us about that? A. It is no uncommon sight to find four and five year old babies making flowers.

Q. Tell us what you mean by making flowers? A. Flowers are given out by the factories, and the petals are stamped out, and the material taken into the homes to be made up into the actual flower.

Q. What do the children do, the very young children? A. The very small children separate the petals. These are stamped out and placed in bundles of a thousand petals. They separate them; the little ones can pull them apart very easily.

Q. They work with the mother and older sisters and all that I suppose? A. Yes.

Q. How long are these children kept at work? A. They work anywhere from three to seven and eight hours.

Q. These very young children? A. Very young children who were not supposed to be in school at all virtually work all day. The young children who go to school five and six years old, work after school and in the evening. I think we can safely say that at some time during the year all young children work at night. It depends upon the busy season.

Q. How do they keep up with their schools? A. Their records show a general retardation for all home working children.

Q. Go on, Miss Watson, and tell us all you can about the children, if you have any photographs or other exhibits, I would like to have you tell me about them? A. I would like to speak about one child found on the afternoon November 12th, running ribbons in corset covers.

Q. That was last month? A. Yes. We expect to have that child here this afternoon.

Q. How old is she? A. Three years old, a little over three.

Q. Where did she live — I do not mean the number? A. The lower West Side.

Q. What nationality? A. Italian.

Q. How many in the family were working? A. Three children.

Q. How old were they? A. Eleven, six and three.

Q. What were they doing? A. Running ribbons in corset covers. The oldest child and mother were sewing buttons on; the little children were running the ribbons through.

Q. Tell me about the three year old child? A. The little three year old child running ribbons in corset covers was very proud of the fact that she could help her mother. They get three cents a dozen for doing that ribboning, and six cents a dozen for sewing the ribbon and thirty-six buttons on one dozen corset covers.

Mr. ELKUS: Dr. Daniels would like to appear before recess; we will suspend with Miss Watson for a few moments.

Dr. ANNIE STURGES DANIELS called as a witness and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Where is your office? A. 321 East 15th street, New York Infirmary. I come representing the Church Association for the Advancement of the Interests of Labor, an Episcopal Church Organization.

Q. You are a practicing physician? A. I have been a practicing physician since 1876.

Q. We will be very glad to hear you doctor. A. I have charge of what we call the out-door practice of the New York Infirmary for Women and Children. I do all the tenement house work and it is in this way that I have known about tenement house manufactures. I have been taking statistics and studying it since 1881. This past year, that is the year ending October, 1912, I had 372 new families whom I took statistics from. Of these 372 I found 182 doing tenement house manufacturing of some description. My work is entirely on the east side, between 14th street and Canal street, from Mott street over to the East river. I find all kinds of manufacturing being done, the forty-one that are allowed by the Labor Department and a great many other things.

Q. In licensed and unlicensed houses? A. I found of those 182 families living in houses, that 35 were not licensed. They are in licensed and unlicensed houses. Of child labor, I found from three years old up to about twelve or fourteen years. I have found during this past year, in 182 families, 79 with contagious diseases doing this tenement house work. One family were embroidering monograms and three of the children were sick

with measles. The woman was embroidering monograms on napkins, table napkins. I found sixteen cases of scarlet fever during the entire time.

Q. Can measles be communicated in that way possibly? A. Possibly, yes, possibly. There is a question. But I found sixteen cases of scarlet fever.

Q. What were they doing where they had scarlet fever? A. Most of those cases were finishing.

Q. Finishing what? A. Finishing men's clothing; that is doing all the hand sewing that is done on men's clothing, coats and trousers.

Q. Who had the scarlet fever, the children? A. The children, yes.

Q. Was the work being done in the room where they were sick or the next room? A. In the same room, and during the convalescence of the child, by the child.

Q. While the child was peeling? A. Yes. And the Board of Health notice — the law requires us to report every one of those cases; the notice of the Board of Health of a contagious disease was on the door.

Q. While the work was going on? A. While the work was going on.

Q. Will you say, doctor, whether or not scarlet fever could be communicated in that way, to any person wearing those garments? A. It has been felt to be so. The whole question of the way in which these contagious diseases can be carried is still being discussed by the medical profession. I should not want to swear a case like that could be carried, but I should want to emphasize that no work should be done under any condition of infectious diseases because of the chance of carrying it. I found nine cases of tuberculosis among the 182 families, all of them working.

Q. How about tuberculosis being carried? A. That is thought that it can be carried.

Q. These nine families what were they working at? A. There was one family I remember especially, where they were making buttons for women's clothes — that is covering buttons for

women's clothes. One of these children was three years old; the mother had tuberculosis.

Q. Yes; were they working in the room where the mother was sick? A. The mother was working herself, and the children were working.

Q. What other cases did you find? A. I found two cases of poliomyelitis.

Q. What is that? A. An infectious paralytic disease of children.

Q. Evidenced in what way? A. By paralysis.

Q. Is that contagious? A. The exact nature of how that is carried is not known.

Q. It is contagious? A. It is contagious from child to child.

Commissioner DOWLING: Infantile paralysis?

The WITNESS: Infantile paralysis.

Q. It is a very horrible disease? A. A very horrible disease.

Q. What were these children doing? A. Finishing. I know one case where the child died and the woman hardly stopped her work while the child was dying. She was finishing trousers.

Q. Were you present at that time? A. I was, sir.

Q. And the child was dying? A. The child was dying.

Q. And the woman did not stop work?? A. She could not.

Q. She had to— A. She had to do it; her husband was a gambler.

Q. An Italian? A. Yes, sir.

Commissioner JACKSON: How old was the woman?

The WITNESS: I did not take her age; I should say she was somewhere between 25 and 30.

Q. And the child? A. The child was about — less than two years old; eighteen months.

Q. Was the woman working in the same room where the child was sick? A. The same room; they only had two rooms.

Q. Where was the husband? A. I do not know.

Q. You know where he ought to be? A. I know where he ought to have been.

Q. How much did this woman earn in finishing these trousers?

A. A woman earns at finishing trousers rarely more than two dollars and a half a week. They get five cents — I have known them to get as much as a cent and a half up to eight cents a pair for finishing trousers. I will explain that these are the very poorest of the tenement house workers.

Q. How many hours a day do the women work? A. It depends entirely on the amount of work they can get.

Q. They work as long as they have work? A. They work as long as they have work. I have known them to work eighteen hours out of twenty-four.

Q. That is not infrequent? A. Not infrequent, and the children work just as long as the women can get the children to work.

Q. Doctor, tell me, what do they do about children going to school; do they observe the truancy law? A. They have. The last year or two they have observed it better than they have before. The children work after school hours; they work Sundays and holidays and Saturdays and all through the long vacation; but the little children, children under six, of course work all the time whenever they can.

Commissioner DREIER: When the factory inspector goes around, his hours I think are between nine and three, he does not find the children at work?

The WITNESS: No; because as soon as it is known that a factory inspector is in the street, or in the house, it goes from house to house, and the people are prepared for the factory inspector.

Q. The children are all sent out? A. They are sent out.

Q. How about children absenting themselves from school to do this work? A. They do do that; but the mothers prefer to have them work after school.

By Commissioner DREIER:

Q. Have you any record of a woman making enough money to support herself or child on the wage she makes? A. No, sir; absolutely impossible. The wages the women earn at home are one-third to one-half less than they can earn in a factory at the same rates.

Q. How much of a hardship do you think it would be to abolish home work? A. Practically none.

Q. What would happen to the women? A. They would be forced to the factory.

Q. And the children? A. And the children go to school or the kindergarten.

Q. Do you approve of abolishing home work? A. Absolutely.

Q. All kinds of home work? A. Everything. I have approved of it since 1888 and the society which I represent has been working and trying to get it since the year 1903. There is a distinct danger to these children, to these little children, in regard to eye disturbances which they may have, and the physical effect upon them is bad.

Q. In what way, doctor? A. Well, the eye strain is very important, the fact that so many of them sit and lean forward to do their work is bad for the back and also prevents the expansion of the lungs and the proper development and growth of the chest.

Q. Are these children kept from playing out of doors? A. Oh, yes; indeed.

Q. They are not allowed to go out at all? A. Not as long as they can work.

Q. How about the Summer time? A. The same.

Q. Kept in the house? A. Kept in the house.

Q. How much does a child earn that way, have you any idea, doctor? A. Yes; the women have told me that they calculate any where from 75 cents to \$1.50 a week as the wages the children will bring in.

Q. Working every day? A. Working every day. Just as long as they have the work to do.

Q. How late at night do they let the children work that go to school? A. I have myself seen school children working at ten o'clock at night, where I have made a late visit.

Q. Doing what kind of work? A. That has been mostly sewing buttons on the trousers.

Q. And the children do that? And when the children are tired, do they want to go to bed? A. Yes, indeed.

Q. Do they cry? A. Yes; as any child gets tired of work and wants to go to bed.

Q. What do the parents do? A. Various things. I have seen them whipped.

Q. By a parent? A. By a parent.

Q. For what? A. For not being able to work as rapidly as she wanted it to do, or being tired and begging to go to bed.

Q. How old was that child? A. I remember one distinctly; the child was only seven years old.

Q. What was that child doing, sewing buttons on? A. Sewing buttons on. One, three years old, the woman always called that child at five o'clock in the morning.

Q. Three years old? A. Yes.

Q. What did that child do? A. That child made buttons for women's clothes.

Q. Sewed them on? A. No. A sort of passementerie. The hole is a button mold, then they put the cord around it and make it.

Q. Are they all Italians? A. I think practically all Italians, practically.

Q. This child three years old, did you actually see the child doing the work? A. I did.

Q. Was this child called at five o'clock in the morning? A. It was; that is what the woman told me. I was there when the child was sick.

Q. Did you actually see the child doing the work? A. I did.

Q. How did you find out she was three years old? A. The woman told me so; and the child was sick afterwards.

Q. You attended the child afterwards? A. When it became sick.

Q. What was it sick with? A. Had pneumonia and died.

Q. How old was it when it died? A. That was only two or three months after I first knew it.

Q. How long did that child work? A. The child, the mother got it up at five o'clock in the morning. She said it would work two or three or four hours in the morning, then she would send it down into the street for a short time, and then bring it up again and have it work again. She said she knew a child of three years could not work all the time, so she let it go out in the street.

By Commissioner JACKSON:

Q. Do you know anything about the history of the family, how old was the mother? A. I did not take her age; I think between twenty-five and thirty.

Q. Do you know anything about her husband? A. He was a gambler.

Q. He was not the same one? A. Not the same one; no, sir.

Q. They are all gamblers? A. No, sir; they don't all gamble, it just happened so.

Q. Did she have any other children besides this one? A. Yes; she has I think three left; she has either three or four left.

By Mr. ELKUS:

Q. Older? A. Older — no; one is younger.

Q. Were the older ones working? A. Yes, sir.

Q. What did they do? A. The same thing, at the buttons.

Q. Did you see any of the nut picking? A. I have not for some time, because that is not in the particular part I am. I have seen it.

Q. Commissioner Dowling would like to know whether it is general, that children as young as three years old work? A. Children at three years begin work at such work as I have described.

Q. Have you seen many cases of it? A. No; I am thankful to say I have not seen very many cases of it, but I have seen cases enough to know. I have seen more in the flower business.

Q. I mean in any business, in any work? A. Yes; in the flower business.

Q. How many cases of children three and four years old have you seen working yourself at any of these things at home? A. A good many; I would not want to say.

Q. Would you say as many as a hundred? A. I think so, in all my time, I have — oh, yes; easily a hundred.

Q. How many would you say you have seen under seven years of age? A. Oh, a great many; great many.

Q. A thousand? A. In all my life?

Q. Yes. A. I think so.

Q. Different children? A. Different children.

Q. Go on, doctor, you are very interesting. I don't want to stop you. These are all things you have actually seen yourself?
A. Yes, sir.

Q. Not that you have heard? A. Not that I have heard at all. That is what I do.

By Commissioner DREIER:

Q. Can you tell me whether the mother has the time to get the meals for the family and the children? A. No; she has not. All that they eat she brings in, buys, and brings in. One Irish woman said to me, I asked her what she gave her children to eat while they were all working; she said "I fills them up with tea, and bread."

Q. You would not want to recommend that as a diet for children? A. Not at all.

By Mr. ELKUS:

Q. How much would a family earn that way, a woman and three or four children working with her? A. That would vary with the work and the season and the conditions. I have found a young woman with her family who would average four or five dollars a week; I think \$5 would be a great deal for her.

Q. That was with how many children working? A. Oh, with the three or four.

Q. She would work from ten to eighteen hours a day? A. Yes.

Q. And the children worked as long as — A. As long as they can.

Q. Where would the husband be in that case? A. The husband will be, we will say, as a rule, out looking for work.

Q. Too strong to work? A. Too strong to work. They are most of them laborers and doing laboring work.

Q. And the woman really has to support them, and support the children and herself? A. And support the children in addition. Most all these women not only do this work, but almost all of them have either boarders or lodgers, or keep two families in the same apartment.

Q. How large are these apartments, usually two rooms or three rooms? A. I should say the average would be two rooms and a fraction.

Q. And would have boarders besides? A. Boarders besides.

Q. What did they do, one family in each room? A. The Italians have a common — they do their cooking in common, on the same stove, but they live separately, entirely separately.

Q. Take a two-room apartment, have you seen more than one family occupy a two-room apartment? A. Yes.

Q. How many? A. How many such families?

Q. How many families would there be in a two-room apartment? A. Two families can easily live in a two-room apartment, from that point of view.

Q. Two families of how many each? A. Man and wife and two or three children.

Q. In each one; how about the boarders? A. Well, in two rooms and a fraction for two families they do not have boarders except that come on Saturdays, those who work out on the public improvements.

Q. Up the State? A. Yes, sir; they come home usually on Saturday and stay until Monday morning.

Q. They put them in anywhere? A. Yes, sir.

Q. How many do they pack in that way? A. I don't know. I have seen, one place, I saw once nineteen besides the family.

Q. In two rooms? A. Yes.

Commissioner DOWLING: Good sized rooms?

The WITNESS: No, sir.

Commissioner DREIER: Do you find many husbands out of work, so that they cannot find work? Have you looked into that question?

The WITNESS: They tell me they cannot find work, but they are physical laborers, and there are always advertisements for physical laborers; they do not wish to go out of town, usually, far away.

Q. Dr. Daniels, is it a fact they do not want to work and do not work but live on their wives and children? I do not mean in every case, but a good many? A. The average case?

Q. Yes. A. I think the average case, they do not care to work.

Q. I want to ask you whether, if home work was prohibited, whether it would be any great hardship on the women and

children? A. I think not; I am sure it would not because these women are strong, able and capable of working in factories, and their children would be taken care of in kindergartens and day nurseries.

Q. There are plenty of them over in that part of the city? A. They always have room for children whenever they ask to go in.

Q. And the women would work in factories? And get better pay? A. Get better pay.

Q. Would it result in making the husbands work in some cases? A. I am pretty sure it would.

Q. Has there grown up a regular sort of business over there of the women and children doing work and the husbands loafing?

A. Yes, sir. It is getting to be more and more in my experience that the men do not care to work. Some four or five years ago the Sicilians used to make their men work; they do not now, so much.

Q. Commissioner Dowling suggests that perhaps if the women work in the factories and get more wages, the husbands would not work anyhow? A. At least the children would not work.

Q. They would be in the kindergartens and day nurseries where they are well taken care of? A. Yes; and there would be absolutely no work in contagious diseases, and no woman who was dying of tuberculosis would be able to work as she does now in the tenement-houses.

Q. She could not work in the tenement and would be taken to the hospital? A. Yes; or she would be able to die in peace without working.

Q. Do you mean to say that they are not allowed to die in peace now? A. I think I can say a good many of them are not.

Q. Why is that? A. Because they work. With tuberculosis a woman can work almost right up to the end. I have never seen a woman working for pin money.

Q. You heard that testimony? A. I heard that testimony.

Q. That is a fallacy, is it; they do it because they have to do it? A. From my point of view it is all a fallacy.

Q. How long have you been doing this work? A. I have been doing this work since 1881. I started.

Q. That is thirty-one years? A. Yes.

Q. And you work from early in the morning until late at night?
A. Yes.

Q. You break the labor laws? A. There is no law which regulates physicians.

Q. Is there anything else, doctor, you would like to tell us? A. No; only I would like to impress very much indeed my strong feeling that this work should be absolutely prohibited in the tenement-houses. It is impossible to regulate it and it is impossible to do anything else but prohibit it for the sake of the children and the women.

Q. And you believe it will not work any hardship on the women and children if it is prohibited? A. Infinitely less hardship than it is now.

Mr. ELKUS: Doctor, I want to compliment you on the very good work you are doing. I am sure the members of the Commission join me.

The Commission then took a recess until 2:15 P. M.

DECEMBER 5, 1912.

AFTER RECESS, 2 P. M.

DR. F. JOSEPHINE BAKER, Director of Child Hygiene, Department of Health, was duly sworn, and testified as follows:

Direct examination by Mr. ELKUS:

Q. What is your profession, Doctor? A. I am a physician, but am officially the director of child hygiene of the Department of Health.

Q. Of the city of New York? A. Yes, sir.

Q. How long have you been connected with the Department of Health of the city of New York? A. Since 1901.

Q. In the same capacity? A. No. For the past four years I have been director of child hygiene.

Q. And are you a graduate physician? A. I am, yes, sir.

Q. Of what college? A. The Women's Medical College, New York.

Q. What are your duties in the Department of Health, as head of the department of child hygiene? A. I have charge of all matters that relate to the health of children from the time they are born until the time they become of legal working age.

Q. Are you familiar in that way with child labor in the tenements, in the homes? A. Yes, sir, and I am familiar with it from my own experience as inspector previous to my present position, and also through reports of the physicians and nurses who are under me.

Q. Now, we will be very glad to have you tell us, Doctor, just what your own actual experience has been in the homes, the illness of children and the doing of work in homes and any other facts which you think will be of interest to the Commission? A. I have nothing in the way of any statistical data to give you. All that I can speak about is the general impression and the knowledge of the health of the school children, as such, as it may be affected by work.

I haven't any statistics. I mean, that that is not a matter which comes under my jurisdiction, the labor in tenements, and consequently I haven't any data. The only way I could speak of it would be in relation to the health of the school children themselves.

Q. Tell us about that, the children who work? A. Of course, as part of the work, in conserving the health of the public school children, we send nurses into the homes, and these nurses endeavor to make the sanitary and hygienic surroundings of the children as comfortable as possible. A large number of the children in public schools suffer from some physical defect, and these physical defects are dependent very largely upon their home life, that is the method of living in the home. The lack of proper ventilation, the lack of proper hygiene, over work, lack of play and proper exercise, all contribute largely to the ill health of the children, particularly in regard to anaemia and malnutrition. I haven't any definite figures to give you on the subject of work in the homes, but it has been my experience, and is the experience of the doctors and nurses who are my subordinates, to often find children working in the home outside of the school hours.

Q. Are they kept away from school on account of that? A. No, sir, these are the children who are going to school regularly but work outside of school hours.

Q. Have you any knowledge as to what hours they work after school? A. They often report that they work from the time that they get home from school until supper time and then from after supper until perhaps ten or eleven o'clock at night.

Q. Can you tell the Commission whether or not that working after school hours causes the ill health or physical defects of the children to which you have referred? A. It would undoubtedly, it does undoubtedly have a very definite effect upon it; it can be nothing else but injurious to children.

Q. Tell us why, Doctor, will you? A. Because the children are just at the age when they are naturally developing and growing, and when they need a larger amount of free air and more freedom than adults do, and the effect of bad air, close confinement, and vitiated atmosphere, are very much worse for children than they possibly can be for grown people. These children go to school in the morning, are heavy, dull, and tired, they are not able to study, they suffer from headaches, and most of them have malnutrition — that is they suffer from lack of proper nutrition — they are anaemic.

Q. They don't have enough sleep? A. They don't have enough sleep and not enough air. The air is bad.

Q. Have you cases of children going to sleep in the schools? A. Personally I have never observed it; I have heard of that, and I have it from the nurses.

Q. The children going to sleep at school on account of having been kept up late at night? A. Yes, but I have never seen that.

Q. What else can you tell us which you have observed in your work which you attribute to the children working at home? A. It is very difficult indeed to trace any direct results from the specific cases. I don't feel that I can do that. I feel that just as a general proposition the health of the children of any city of this size is a matter that is exceeding difficult to handle. The conditions under which the children live in a city of this size are wholly abnormal, they have no proper outdoor life, no proper indoor life, the majority of them, and when you add to that the conditions which make it still more abnormal, you are rendering it less likely for them to be in good health.

Q. You take two children as shown in these pictures, and doing the kind of work they are doing there, would that kind of work be injurious to them, making these cigarette cases, as they call them, or tubes? A. I think that, just from the point of operation of the mechanical side of it, I should think it would be one of the easiest things that can be done by children; the other side of it, any work which keeps them busy in the house outside of school hours is very harmful to growing children.

Q. It has been said here, outside of this place, that the children, if they are not kept indoors, go on the street; is that better or worse for them? A. I think it is better for them anywhere outdoors.

Q. Anywhere outdoors, even hanging around street corners?

A. Well, that is a very large question. It would depend upon what they learn on the street corners; but from the point of view of health, they are certainly better off outside than inside.

By Commissioner DREIER:

Q. Do you think there is any way of regulating home work so children could be kept from working? A. In my opinion it is exceedingly difficult. I can't see any way of regulating it. I think the only possible way of regulating it is making it absolutely illegal for any one to work in the home.

Q. Do you advise that? A. Personally, I would.

Q. Do you think that there is any hardship in prohibiting women from taking home work? A. There again I have nothing to base my statement upon except bare surmise; but we in the Department grant about 40,000 employment certificates to the children between the ages of fourteen and sixteen years to go to work each year. Investigation has shown that only approximately about 23 per cent of these children go to work because there is any need of their money in the family.

By Mr. ELKUS:

Q. How many of these go to work because they need it? A. Approximately 23 per cent. of the children between the ages of fourteen and sixteen years who get their employment certificates because the family actually needs the money, the remainder go because they are tired of school or because their families want

them to leave school, and applying such a ratio to home work in general, it would seem to me that the greater good would be served by abolishing it.

Q. Have you any figures telling about how many children are at work at home doing this home work in New York city?

A. No, sir; I don't know of any in existence.

Q. It has been estimated there are over 40,000; have you any idea whether that is true or not? A. No, I have not.

MISS LILLIAN D. WALD, recalled, testified as follows:

Direct examination by Mr. ELKUS:

Q. Miss Wald, you are connected with the Nurses' Settlement?
A. Yes.

Q. And have been in charge of it for how many years? A. Twenty years.

Q. And have been a social worker for a great many years, and are familiar with many of the problems of work in the tenements?
A. Yes.

Q. You testified before this Commission, I think, last year, as to some investigations you had made either personally or under your direction, showing conditions of work in homes, and you have had some investigations made since then, have you had? A. I have not had any definite investigations, but the Nurses'—there are eighty-five nurses who are every day in the year visiting the sick in their homes throughout Greater New York.

Q. Are those eighty-five nurses attached to your settlement house? A. Yes.

Q. They are practically under you? A. Yes.

Q. And they visit the homes, among other places in which this work is done at home? A. Yes.

Q. Whenever there is sickness? A. Yes.

Q. And they report to you and you have records showing the conditions which they find? A. Yes.

Q. And are you able to give us some facts in reference to the conditions found by these nurses? A. I do not know that I can add materially to the testimony that I gave last spring, excepting that I have illustrations of things that are happening to-day.

Q. I would like to have them? A. Well, one of the children in the kindergarten last week, a five-year-old child, was absent from kindergarten, and one of the residents went to her home to discover the reason of the child's absence, and found that this little five-year-old child was working on a coat, sewing on the collar of a rather heavy coat. Her mother, who was nursing a baby, had the baby in her lap and the coat also, which she was working on. Now, the impressive thing was that the mother with a baby and the little five-year-old child who was kept home from the kindergarten to work, were in the same room with the father, who was there smoking a cigar with another friend, another man, watching his chattels do this work, he himself —

Q. (Interrupting) Watching his what? A. His chattels — his wife and children.

Q. But he didn't call them that, did he? A. No, but of course, that is the condition, I am sorry to say, that some of the lower grade people have, the relationship of their women of the family and little children.

And then, day before yesterday, one of the nurses observed two little children apparently ten and eleven years old carrying very heavy bundles of clothing, and she followed these children to their home because it was school time and we busy ourselves with truancy as well as we do with the sickness, and she found that these little children had never been to school. Now, there are seven children in that family who have never been to school a day in their life.

Q. What nationality are they? A. Italians.

Q. What nationality was the first child? A. That was an Italian.

Now, in the family of the children that she followed, there were seven children; they had only been in New York a little while, had come from Louisiana; their father was employed in some of the excavating work, and the oldest child is eleven years old and none of them have been to school in their lives, and all of them were born in America.

One of our nurses reported to me yesterday, she knew I was going to testify to-day, of a little child who was pulling the ribbon through the corset covers. The pay for this is very little

—three cents a dozen — and that child who is eight years old, the nurse had gone to the home because of the illness of the baby, and quite a serious illness, the little girl was crying because she wanted to go out. It was one of the pleasant days we have had recently, and she wanted to go out, and it is not at all uncommon for the little children not to appear at their clubs or their noon recreations in the afternoon, because they go home immediately from their school to their homes and work there, and they run from work to school.

Q. How long is it since this condition of children working in tenements has gone on? A. I think the children have, the little children have been working always; with the number of things that are permitted to be manufactured in the tenement houses increased, the use of the children is more extended. But I would like to contribute a bit of the results of my observations. When I first went downtown I found that cloaks, the ladies' cloaks, were as frequently made in the tenement houses as any of these cases of ribbons, and at that time I think the manufacturers and public sentiment wholly approved of it because it was essential. I remember one instance where the cloak that was being made was covering a child who was sick with scarlet fever, and we naturally stopped it and reported the case to the Board of Health, and in this instance paid the woman the amount of money she was earning. Now, there are no cloaks — the ladies' suit and cloak industry has practically been taken out of the tenement houses, and I do not believe that the trade suffers. The volume of that trade in the city is enormous, and nobody suffers.

Q. That is the largest manufacturing business, isn't it, in the city? A. Well, it is the centre of that trade in the whole United States. If my figures are right, the output is \$250,000,000 a year.

Q. That has been taken out of the tenement houses altogether? A. Yes, sir, and nobody has suffered. The wages have been standardized. It is practically impossible to standardize a wage in an industry that is carried on without supervision, but we have succeeded in doing that, in taking the work out of the tenement houses. And that was practically true of the cigar business, too.

Q. They have been taken out of tenements? A. They have been practically taken out of the tenements; occasionally you will find a stripper.

Q. That has not hurt the trade any? A. That has not hurt the people working in it.

Q. It has been said that these children are not forced to work, that they work because they want to work in their homes. Do you know anything about that? A. That is absurd. Of course, that is an absurd statement. I presume that you could say that no one was forced to do a thing unless they were manacled and strapped to do it; but a child is forced to do it for food and home and all the things required there. Of course they are forced to do it.

Q. Do you know whether a child is thrashed or beaten because it won't work, or because they go to bed or anything like that? A. Of course, I have never seen that, but I do know that a little child last year was sent to the preventorium because of tuberculosis, and she was discharged because the disease was too advanced. The mother was a hunchback. When we visited the home, the little child was working in the home all day long, and we could never get that child to the ferry because the child was needed at home—I do not know what for, because the father was a muscular man doing nothing—and the poor mother was a part of the problem there.

Q. Can you tell me how it is that the men in some of these families do not work, and the women are compelled to work so hard? What brings that about? A. I presume the lack of employment very often, that the men find it more difficult in these unskilled casual things to find work, and such cases can be very frequently picked out. And likewise I know that much of it is due to the fact that the women are superior to the men and work, the women and children do, and the men depend upon them. I have a very strong feeling, although I cannot give any proof of it, that we attract to New York a certain kind of man who knows of the possibility of working the little children here. There are the inefficient kinds, the absolutely helpless class, and those who have no high standards of education and don't believe in advancing education.

Q. And there are many of that kind who deliberately do not work and who live upon their wives and children the way you have said some of them do? A. Yes, I think there are quite a number.

Q. You gave an instance of a man smoking a cigar and watching the wife and two small children, one of whom was working? A. Yes.

Q. Are there many cases of that kind where the man deliberately lets the wife work for him? A. I think it is not at all uncommon, and in some instances I should say that the desire to make money rapidly—I know one case, not very recently, but still a very impressive one. I took a basket of fruit to a little child who I knew had chicken pox, and I found the child at home working on children's coats, pulling out basting threads, and it looked very poor. The father was not working. He had other employment. But the wife and children had almost a little sweatshop right in the room there, and my little invalid was sitting on a very low stool and was occupied with the rest of the family. I might have supposed, if later events had not proven otherwise, that it was poverty there, but a very short time after that they bought a farm in Long Island, and I was compelled to believe that it was greed.

By Commissioner DREIER:

Q. We understand that witnesses testify here that the wage the mother and children could make would not be enough to support families. Now, that must mean that the family and the husband included must have a frightfully low standard of living if they can possibly get on with that wage. Isn't it necessary for the man to work at something, at any rate, to have both ends meet? A. Well, I do not understand that the family live entirely upon this. Do you mean that?

Q. No, but in some cases apparently they do, from what we have been told. I wanted to know if that was your information from your experience. I do not mean in all cases, but I mean in some cases the men deliberately live on the work that the wife and children do? A. I don't mean to state that he was never employed.

Q. He took occasional employment? A. He was irregularly employed, sometimes he loses employment through no fault of his own, very often. Occasionally, unskilled labor —

Q. (Interrupting) Are you in favor of the prohibition of this work in tenements or the home, or of regulating it? A. I do not think it can be regulated; I think it must be abolished. I do not see how, without an enormous expensive set of investigators, it would be possible to protect the children from excessive hours of work standardize the wages, supervise the sanitary conditions under which the work is made, the manufacturing is done. I am afraid there is nothing to do but eliminate it.

Q. Do you think it would improve the moral condition of many of the people now engaged in it to prohibit the work? A. Do you mean moral as to having the mother free to bring up the children, or moral in another sense?

Q. Yes, to have the mother free to bring up the children and to have the children brought up so they become better men and women? A. I think there is no doubt about it, because we think that children should have childhood, some play, regular school attendance, freedom from excessive labor. We have, of course, acknowledged that, when we regulate the hours and prohibit the employment of children in factories.

Q. There is no way of regulating the hours of labor of these children at all? A. I think it is impossible.

Q. Do they work at night, any of them? A. Some of them, during rush seasons. I could multiply these stories of child workers; they would all be pretty much the same.

Q. I will be glad if you will tell us any more that you think we ought to hear? A. I perhaps would not be justified in bringing up a case that we encountered several years ago. It is the case of a family with children who live in a basement on Henry street, I am ashamed to say, right opposite the Settlement.

Q. Your Settlement? A. Yes, our Settlement. Of these children, five were born in America, and not one had ever been to school. They made paper bags in the back room, rear room of a basement, in the tenement house. They used the paste in manufacturing these paper bags. They had never been to school we discovered, because one little child's head was covered with

very bad sores, the entire head covered with it, and the child found its way to one of our nurses, and then that opened the way for us to go in. When we rebuked the other little children in the tenement house for never having told us of these children, they said they didn't know they were there, because they never came out to play.

By Mr. ELKUS:

Q. How many of them were there? A. Five.

Q. How old was the oldest? A. Twelve, and the youngest was three.

Q. How many of them were of school age? A. Four.

Q. And they had never been to school? A. They had never been to school.

Q. And they were born in America? A. They were born in America.

Q. Of Italian parents? A. No; these were not; these were Russian. That family disappeared. We found it extremely difficult to get them to school. And they of course were not able to support the family. There was no father.

Q. No father? A. No father. They did have to have relief. They should have had enough relief to keep the children in school and not make it necessary for the mother's mind to be employed with them all the while. She was a very severe, inefficient mother. We lost sight of them. We got them into school and got them back into the school, and they moved away and we lost sight of them. They have returned within the last few weeks and we find that the mother is married again and that the children are still making paper bags.

Q. The mother is married again? A. Married again, yes.

Q. In all these cases where there is no man in the family or the man is sick and unable to work, is the family with the children working, able to support itself? A. No.

Q. They have to be helped by charity anyhow? A. Yes.

Q. And it is only a question of degree of help? A. Yes.

Q. And it is your opinion, isn't it, as an expert on this subject, it would be better to help them entirely than to have the children do this kind of work? A. We do everything, then, in

a moderated way. Charity does not give adequate relief. The school attendance is inadequate, the inspection of the children, the sanitary inspection, all is badly done because of the opportunity of employing the children.

Q. The result of making these children work and keeping them from school is to make them immoral, I suppose, and criminal, when they grow up? A. I think it makes the children extremely dull and ill fitted for their part. Stupid and backward children are much more likely to be imposed upon than children who actually get to know their rights and fight for their rights and have the development that the ordinary normal child should have.

Q. And they are subnormal children, are they? A. I think it would tend to that. The children, of course, ought to go to school regularly. When they are employed at home there comes a time where every one of them stays home and it is almost impossible to have a full attendance at school with the home workers.

Q. Do they say the children are sick as an excuse for that irregular attendance? A. The children will not stay away for a long time, and very often again they will stay away two or three days, and a number of them are retarded in the school in consequence of the strain, the eye strain, too, which is an important thing, because in tenement work they work under very bad light and bad ventilation.

Q. When these children grow up they become a charge very often upon the community? A. I have no data to answer that very competently, but they are a charge in as much as they swell the number of unskilled and uneducated, and I should think that there would be other results, too. I have never traced down the adult criminals to the home worker.

Q. Have you any figures about the extent of the home work when the cloak people were giving the work out? A. That I think is one of the difficulties of home work. There is very little record, even at this time, of the number of people who are doing the work. The man who sends ties or knitted work, he doesn't know where it goes, he doesn't know when the work goes to the home, how many are employed at the work. I think it

would be impossible. I should roughly say that many many thousands worked from time to time, not all of time, and not all of them at one given time.

Q. Well, the excuse of home work is, by those who offer it, it gives opportunity for a woman who could not work in a factory to do several hours a day of this kind of work and help out her husband to support the family; do you believe that under those circumstances it should be permitted? A. That would not be a defense.

Q. It would not? A. No it would not.

Q. That is the best case you can make for home work, isn't it? I mean, the best side of it? A. Yes.

Q. And I mean where the woman only works a few hours a day in intervals of her housework? A. And the price that society pays for that is excessive. I know them in their most serious aspects, and I know there is illness where home work is done — tuberculosis, sometimes diphtheria and serious diseases of that nature. There is one place just now in the Italian quarter where the little child has a serious discharge of an unpleasant character. The mother takes care of her and is working at the same time she takes care of the child.

Q. What kind of work does the mother do? A. She is making flowers.

Q. For hats? A. Yes, she is, for hats. I presume she will be making some of the Christmas ornaments. That is her occupation. It might be possible for the factories to be so organized that central working places could be established where women can work for a few hours a day; but I think that if she is needed at home, if she cannot leave because she is too old she ought not to be working at home or if she cannot leave because the children are there. If she does work at home, the chances are that the children are being neglected because she is working. I see no defense.

Q. Your proposition would be to abolish the home work? A. Yes, sir.

By Assemblyman HAMILTON:

Q. Of all kinds? A. I think that is the only safeguard.

By Mr. ELKUS:

Q. That is if sent to a family? A. Yes.

By Commissioner HAMILTON:

Q. All this work, I suppose, is done for hire? A. Yes. I think that it might be possible for women such as dressmakers who deal directly with their customers, who know exactly what is being done, the customer knows, the customer goes there and sees it, and if the child there is ill with diphtheria and the house is dirty, the customer knows it and should share the responsibility.

Q. Would you think it would be impossible to regulate that in any way on account of the number of inspectors required? A. I do.

Q. Would you think it would be almost as hard to prohibit it entirely and see that the law is obeyed, to enforce such a law? A. I have had the experience of two trades that have been eliminated from the tenements — the suit and cloak industry, an enormous industry, and the cigarmakers.

By Mr. ELKUS:

Q. You could enforce it by prohibiting the factory from giving it out? A. Yes; that is the correct safeguard.

Q. You could reach it that way? A. That would be the simplest way.

Q. Organized labor is opposed to the work in the homes is it not? A. I think that all organized labor is opposed to it, and quite rightly, because it does compete so directly with the wages in the factory.

Q. Several manufacturers who were here this morning on the stand were frank enough to say that they thought the home work ought to be abolished unless it could be regulated? A. I don't know how they could regulate it.

Q. The same way as a factory. They said it ought to be done under the same conditions as factory work, although all of them gave out the work? A. I think it is the experience of the manufacturers of the cloak and suit industry that they have benefited. I hope that their attorney will be here.

By Commissioner HAMILTON:

Q. I suppose they are all obliged to do that if one does it; they are all obliged to do it on account of competition? A. Yes.

By Commissioner DREIER:

Q. I suppose a good many of them, the better class of manufacturers who do give out this home work, would welcome a law that prohibited it and made it obligatory upon the manufacturers not to give it out? A. Yes, then they would not suffer.

Q. They would not have to compete with the men who did give it out? A. Yes.

By Commissioner HAMILTON:

Q. And the consumer would be obliged to pay a higher price? A. Yes, that is proper — the consumer now, willingly or unwillingly, gets the advantage of manufacture made at this, I think, terrible cost.

Q. Well, you mean the consumer pays it in an indirect way by paying taxes for more hospitals and that sort of thing? A. Yes. The consumer might well pay a greater price, if necessary, for the finished products.

Miss ROSE SCHNEIDERMAN, recalled, testified as follows:

Direct examination by Mr. ELKUS:

Q. Tell us what you can about this question of child labor. You have had some experience with it. And also the question of work in the tenements and homes? A. Well, first of all, as a representative of the Women's Trade Union League, I wish to say that we are entirely opposed to child labor. We think that children are the asset of the Nation, and therefore that they ought to be given every chance possible in order to grow up strong and intelligent and healthy citizens, and they cannot do that if they have got to go to work very early. Most of them are crippled for life, so to say, because of working in their tender years. And we think a great reason for the father's unemployment, perhaps, is that the children are permitted to work while the father goes idle. So far as home work is concerned we urge the prohibition

of home work. A great many times the employer will keep that as a whip over his employees, anything they don't want to do for the price he wants them to work for, why, he threatens with giving that work out, and of course, it tends to decrease the wages of the workers in that way. It is unsanitary and it cannot be regulated in any way. There is no way of regulating home work, no matter what staff of investigators you would have.

Now, I think that it is not because the parents of these children are inhuman. It has been made out that because perhaps the parents are foreigners that they don't realize the value of giving their children time to play and have their joys which childhood holds. It is because, I believe, of the poverty of the parents. A great many times the father does not earn enough, or rather does not earn enough to support the family, therefore the wife is compelled to take work home, and with her the little children work, and because she finds that with her home duties and everything else that she has got to do, that she cannot perhaps do the tasks of the day in order to earn the few pennies, and so she has got to harness the little children as well to help her. I believe that it is the necessity that forces the mother to be that cruel, and if we can prohibit home work entirely, it would force employers to engage the amount of people that they need in their factories and not shed the responsibilities of having employees and seeing that the place where they work is sanitary and all that, and it would also perhaps give the employees a chance to get a living wage for the work that they do.

I may say that I am interested in the girls, or rather that I am very closely acquainted with the girls of the white work lines, where work is given out in the homes, and there we find that the girls that work in the factory, a great many times won't have any work for days, because the employer finds it more profitable to give the work out to the home workers, to the mother where the little children do the work, and these girls go around idle half of the time, and it is only through that cause.

By Assemblyman JACKSON:

Q. What relative bearing does it have on the earning power?

A. Well, I think prohibition of home work would increase wages

considerably, and I do not know, but if it is a question of having the children on the street, I think that if the street is not the place for the children that we as a community or as a municipality should see that the children have playgrounds enough wherein to play. I do not think it would be an excuse for keeping them in the house because the street is not a good place for them. We ought to give them the right kind of environment that they ought to have, and if mothers have to work, well, I think that as long as a woman is bringing up children she is doing a great duty to the State, and I think she ought to be given, or at least she ought to have all of her time to give to the children, and the State ought to see that she can do it. In other words, she ought to have a pension, if there is no other way.

Q. If necessary? A. Yes, if necessary.

By Mr. SHIENTAG:

Q. Our attention has been frequently called to the great hardship that this prohibition would work on many of the poor in some of the districts in this city who rely on some of this home work to keep up the family and maintain the family. A. Well, it seems to me that if the poor were situated so that they can't get the sustenance in that way they would get other ways in which to get it. Perhaps the father would ask for more wages and would be able to get it, because the employers would not then be able to give the work away to these little children, perhaps, while he is asking for more. You understand, perhaps, that the finishing on cloaks could well be done by a man, and not necessarily by the little fingers of the children, and while the father may go idle, the little children are finishing the coats or garments of men and women.

Q. Do you know anything about the evasion of the Fifty-four Hour Law by sending the goods to the tenement homes, to be manufactured by the same people that work in the factory? A. Yes, I know a good deal about the evasion of the Fifty-four Hour Law, not only that the employers are sending the work out of the factories, but they are keeping the girls in the factories as long as they please. There is no need of sending the work to the home to evade that law. Only last night I was in a friend's home

where a young girl of sixteen came home at ten o'clock. She is a neckwear worker, and ten o'clock is the time she came home from her work.

Q. What time did she start, do you know? A. At eight o'clock in the morning. And she worked until half past eight and it took her an hour and a half to get home where she lives, and she had to be up at six o'clock the next morning in order to get ready for her day's work and get downtown at eight o'clock. So you see, it is not necessary to give the work out of the factory.

By Assemblyman JACKSON:

Q. Do you know of any complaints being made of these violations? A. Yes, the Women's Trade Union League gets complaints very often from girls, but we can't get them to sign an affidavit, because of the fear of losing their jobs.

Q. Has the complaint been forwarded to the Department of Labor? A. We generally take the number of the factory and send word to the Department of Labor.

Q. An informal complaint when a violation has occurred there, without using any name? A. That is what we do.

Q. Has the Department of Labor done anything to your knowledge to meet that situation? A. I do not know.

By Commissioner DRIER:

Q. Isn't the law drawn so you would have to be on the job all day long to see? A. Yes. It seems to me the way the law is drawn it is a very easy thing for the law to be evaded, because we have no definite fixed day, unless we will have a definite closing time in your laws, no matter whether forty-eight hours, will not accomplish the results we desire.

By Commissioner HAMILTON:

Q. You mean you must have an inspector there in the morning and at the closing time in order to determine the length of day? A. Yes.

Q. It should be drawn the same as the Child Labor Law? A. Yes; after five o'clock no child is found there. And I would also urge that in the name of the League, that when such a law is drawn that it include all women at work, not only under the age

of twenty-one. It seems to me it is long enough time to work, even for women past twenty-one, nine hours a day is plenty.

Q. The courts would declare that part of the law to be unconstitutional, declare that mature women have a right to contract for work the same as a man? A. We have not all rights, it is only in that case.

By Mr. ELKUS:

Q. The Commission has a proposed bill fixing the closing hour for women which we hope will be sustained. Have you seen that? A. No, I have not seen that bill. The Women's Trade League urge an eight-hour day, nothing below that.

Miss FRANCES PERKINS was then recalled and testified as follows:

Examined by Mr. ELKUS:

Q. You have testified before about this work in the homes, have you not? A. I think I have never testified before this Commission in regard to it.

Q. What experience have you had in the matter? A. Well, for two years I was the secretary of the Consumers' League of the City of New York, and for another year a resident at the Greenwich House Settlement, and that is in a district where a great deal of this work is done, and from those two points of view I have learned a good deal about it and formed very definite opinions in the matter.

Q. Will you tell us what you have learned? Give us facts and circumstances and cases, without mentioning names and addresses, and we will be glad to have your opinion afterwards? A. One of the things which I noticed in regard to the system of this home work is that it is a menace to the health of the community and the health of the worker. So late as a year ago I saw a family who were just recovering from scarlet fever engaged in the process of tying the feathers of willow plumes. They were in the stage which is known as peeling, and they were convalescent enough to go to work and were tying the little tiny filmy flues of the plume. I have found so many cases or I have heard of so many cases through the other residents of settlements, of

work of that sort being done that I feel it is a distinct menace to the health of the community that work of that sort is continued, and I believe that that kind of work cannot be regulated without daily supervision which is, of course, impossible under our present system of inspection. I feel more strongly than I can say that this sort of work is the most practical example which we have of the ability of industry to enslave its workers. It is a form of industry which is really behind the times. The domestic system of industry is passing, and yet we have this enormous amount of work going on inside of people's homes. It is, I believe, a definite menace, and so long as this sort of work continues, I believe there is a definite breaking of all of the laws which we have so carefully built up for the protection of women and children against undue labor. We have laws on our statute books which prohibit women working more than so many hours a day, and those laws have been passed because we have come to feel that overwork of women is a menace to the health of society, and the laws have been passed not alone for the protection of the people, the workers, but for the protection of their children and their children's children and for the whole of society. And to work which is carried on inside of four walls of a home, we have women devoting not only fifty-four hours a week or fifty hours a week, but unbelievably long hours a day. I have in mind the case of a woman I have known a great many years. She is a well educated person, and in her youth was a school teacher. Through a number of unfortunate circumstances she has come down to the place where she has to depend for her livelihood upon this form of work. She makes her living by crocheting slippers. The wool comes to her from the factory, in the skein, and they also send from the factory the lamb's wool soles. They are the ordinary crocheted bedroom slippers. This wool she has to wind into balls, crochet the slippers, put the fluffy stuff around top, sew the slippers together, with the soles, and complete a pair. In order to make her living she has to work unspeakably long hours. I know her intimately, so I know what her hours are. She gets up as soon as it is light in the morning and begins to work at once. She has dependent upon her a little grandchild, who is still a baby. She works all day

without stopping even to prepare her own meals, only stopping occasionally to give a little food to the child. She works on steadily until eight o'clock at night, when she is so exhausted she can not work longer, she takes a nap -- takes literally a nap -- for an hour and a half or two hours. By ten o'clock she is up and at her work crocheting again, and she works at this crocheting until about two or half past two in the morning, when she again drops from sheer exhaustion, and goes to bed until half past four or five o'clock and gets up and begins the day all over again. The reason she works these hours is because the pay is so low that in order to make a little money, to make any money at all, she must work unspeakably long. She gets paid at the rate of 40 cents per dozen pairs of slippers -- 40 cents for 24 slippers. Women who do this work for mere recreation know how long it takes to make a pair. She can make a dozen pairs in two days.

Q. And these are the kind of slippers here on the table? A. Exactly that kind of slipper.

Q. Well, a manufacturer was here this morning and he said the ladies did that for pin money? A. This woman does it for the bare necessities of life.

By Commissioner HAMILTON:

Q. How much does she average a day? A. She makes a dozen pairs in two days, that is 40 cents for two days' work.

Q. Twenty cents a day? A. Yes, sir; twenty cents a day she is making.

By Mr. ELKUS:

Q. He said they paid fifty cents a dozen I think?

Commissioner DREIER: Twenty-five cents to a dollar and a half.

Mr. ELKUS: I think he said he paid fifty cents a dozen for the cheapest kind, but the better kind --

Commissioner DREIER: Twenty-five cents.

Mr. ELKUS: And he paid a dollar and a half a dozen, he claimed most of them received a dollar and a half a dozen pairs.

Miss PERKINS: I should say that thirty, forty and fifty cents is more nearly the average price paid, the average price received by the women who do this kind of work.

By Assemblyman PHILLIPS:

Q. Why doesn't she do something else? A. That is the question again. Because, you see, she has this child whom she must take care of. She is an average talented woman who can do this work, and feels that any work she can do she must do with her hands.

Q. She must be strong if she can work those hours? A. She hasn't any muscular strength to do washing and scrubbing and so on. As a matter of fact, the sum she earns does not support her; she is dependent upon charity for rent, which is paid by a charitable society in this city. It is one dark little room.

By Mr. ELKUS:

Q. Suppose work of this character were prohibited now, she would be unable to get any other, what would become of her? A. She would be entirely dependent upon charity, possibly, or possibly she would find work in a factory and would have her grandchild cared for by charity. In my opinion it would be infinitely better to have her adequately supported, adequately taken care of, and the child adequately brought up, by a charitable organization. That child is being deprived of the necessities of life altogether, because the money this grandmother earns is not sufficient to provide proper food or a proper place to live for them at all.

By Assemblyman PHILLIPS:

Q. As a matter of fact, the charitable organizations are now paying for making those slippers, aren't they? A. You mean that they are paying her while she makes them?

Q. They pay the difference? A. Yes.

By Mr. ELKUS:

Q. Then it comes out of the consumer in another form, doesn't it? A. Exactly.

Q. If the price of labor was raised, she would not have to be an applicant for charity? A. Not at all. She might even go to work in the factory and find some suitable place for the child, to have the child cared for. So long as this work continues, I believe you will find just such inhumane hours for the women who do it, for I want to point out that the low wage paid is a lash which is more potent in driving the women on to exhausting hours of work and to exhausting forms of work than is any lash of the overseer. The wage of all these industries is so low that in order to make something which will buy even a loaf of bread, the worker must sit up another hour and another hour, and the temptation to do it is almost unbelievable. This whole system of home work also breaks down the Child Labor Laws which we have so carefully built up, because our prohibition of the labor of children in factories and mercantile establishments is based upon the idea not only that these children are to go to school until fourteen or sixteen years of age, but they are to be kept out of industrial work until that time, and should not be allowed to engage in industry. It is physiologically harmful for them to come home from school at three o'clock, and in the neighborhood where I live you can see them running down the street at three o'clock, going home to work on artificial flowers or coats or feathers or any of the other things that come from the tenement houses in that district. I have seen children under fourteen working until ten or eleven or twelve o'clock at night. The teachers in one of the schools in the district in which I live said to me at one time, "The Italian children in my school appear to be stupid, many of them so much so that they actually "go to sleep while in school." I was not surprised, because the night before I had been through a number of houses in the district which feeds her school, and I had found children of school age working at twelve o'clock at night on flowers, on feathers, on violets, and roses and gardenias and all the artificial flowers for which there is a demand at present. One family I found particularly where there were about six children varying from fourteen down to about four years of age. They told me that the father of the family was too old to work, and the children worked until they fell asleep, and fell asleep in layers.

They commenced about ten o'clock, and the next one shortly after that and so on, and the oldest worked until eleven and twelve, and often one o'clock at night, and in the rush season, I believe longer. Our whole Child Labor Law, the whole system of protection of children against industry is broken down and makes this industry continuous. And I want to point out that there is another attack being made upon an institution which we believe to be of existing value to our social life,—I refer to the home; and I mean that as I have seen this system of home work, I have seen the factory invading and breaking down the home. You cannot have a factory and a home existing inside of the same four walls without the home suffering. And it is always the home that suffers, for the mother cannot do for her children what she would ordinarily do,—she can't stop making coats at four and five cents apiece, in the middle of the day to prepare the nice warm lunch which the children ought to have when they get home from school. And she can't do all the other things that should be done around the home. Yet the poor people have a right to their homes the same as the rich, and simply because they are poor and in need, we should not be allowed to enslave them to a form of industry which refuses them not only all their liberty, but the wage which they ought to have in return for the labor they perform. For those reasons I think your Commission would do well to recommend a law absolutely prohibiting this form of industrial activity in the homes.

By Mr. ELKUS:

Q. Do you know whether or not, in any of the cases you have investigated, the parents have prevented the children from going into the streets to play in order to make them work? A. Oh, yes; there are numberless cases.

Q. And how about keeping the children working at night? How about the children at night crying to be allowed to go to sleep and being kept at work. Do you know of those cases? A. I do not know of many cases of that sort. The parents, be they poor or be they rich, are for the most part, tender hearted and kind to their children and do not keep them awake if they can help it. But what I want to point out is that the lash, of neces-

sity for the extra five cents which she can make if she finishes up this particular coat is so strong that the mother is tempted to urge her child to keep up and going just a little longer, and just a little longer, and just a little longer. I know of no cases of actual cruelty and inhumane treatment of children, although I have heard of a few such incidents.

Q. Then you are strongly in favor of the prohibition of work in tenement homes or in any home? A. Absolutely.

Q. Work from the factory, I mean? A. Absolutely.

Q. Is there anything further, Miss Perkins, that you would like to tell us about in this matter? A. Mr. Shientag has asked me to give my opinion on the relation of this home work to the breaking of the Fifty-four Hour Law. I have no personal knowledge of cases where work has been carried out from the factory to the home by the workers within the last few months since the Fifty-four Hour Law went into effect. But I do know of numberless cases in my neighborhood where, during the Christmas season last year and the year before, girl workers in the box factories were required to turn out a large number of boxes per day, and were so rushed they had to take work home in order to finish it. They sometimes spent five or six hours an evening at work, taking the boxes back next morning. The same sort of thing is undoubtedly going on this year, and is of course a violation of the Fifty-four Hour Law, whereas the other work was a violation of the Sixty Hour Law. I cannot state any cases where it has been done this fall, but I know it has been done in other years.

Dr. CHARLES BASKERVILLE, Professor of Chemistry, College of the City of New York, then addressed the Commission as follows:

Mr. ELKUS: I want to interrupt the hearing upon this question of home work to call Professor Baskerville for the purpose of permitting him to present formally a report which he has made for the Commission on the chemistry, technology and pharmacology of and the legislation pertaining to methyl alcohol, which he has been kind enough to prepare after a most thorough investigation of the subject. This report, in typewritten form, comprises 153 pages, and what I want to say, for fear that Pro-

fessor Baskerville is too modest to say it himself, I want to say this, and then I will ask him to state briefly the subsistence of the report and his recommendations: I will read this part of it, "The sum of \$600 was placed at my disposal for the preparation of this report; \$200 was paid to F. E. Breithut for the services referred to above, and the balance was paid to my private assistants, Messrs. W. A. Hamor and Jacob Feldhaum, for lithographic work. The typewriting was done by my secretary, provided by the College of the City of New York, and my own services have been gratuitous."

Assemblyman JACKSON: We are glad to hear of Dr. Baskerville's work for the Commission, and I desire to express the appreciation of the Commission for his efforts in this direction.

Mr. ELKUS: Will you be kind enough to tell us, Professor, very briefly, if you will, the outline of what has been done, and your recommendations. The report itself we have, and we are very grateful to you for it.

Professor BASKERVILLE: Members of the Commission, I feel that I should consume too much of your time if I attempted to make even a brief outline of the investigation which has been carried on. In the preface there is a statement that nearly 1,000 cases of poisoning attributed to wood alcohol have been reported in the literature since 1899. In 1906, due to a general agitation of a tax-free denatured ethyl alcohol, hearings were held before the Ways and Means and Finance Committees of the Federal Congress. The deleterious action of wood alcohol on the general health and eyesight of the working people handling it in the industries, was strongly emphasized by manufacturers, working people and experts at these hearings. The actual number of cases of poisoning by wood alcohol and the extent of the poisoning will probably never be found, as the practitioner, having a clearly defined case, no doubt, notes the fact in his private record, but, unless it presents special features of scientific interest, makes no publication of the fact. However, even since 1906, there has been a steadily increasing number of cases of poisoning by methyl alcohol as reported in the scientific journals. The recognition of

this fact alone warranted an investigation of the conditions in the State of New York, a work independently begun by several organizations, among them, the Society for the Prevention of Blindness. An inspection of work where wood alcohol is made or used in the arts by Dr. George M. Price and Dr. F. E. Breithut, who, I assigned as Chemical Advisor to the Inspectors, emphasized the necessity for providing precautionary measures to abate the evil. A study of the whole problem, especially the legislation concerned therewith, made by me, substantiated the need of further legislation.

In making the recommendations given in chapter seven of the report I held constantly in mind two basic principles: First, progress in civilization has involved the multiplication of dangers and devising means to safeguard them, and, second, legitimate manufacturing has some rights which should be respected. Makers and users of chemicals, especially the former, are ready to co-operate in any reasonable way for the welfare of the community, even if it entailed some financial outlay. The changes proposed in the present laws are reasonable. They involve, first, ample ventilation; second, proper labeling; and third, removal of the ambiguity of the present law.

The report includes some seven chapters in addition to the preface, excerpts from which I have just given you. The first chapter deals with the subject of wood alcohol, and what it is; the second deals with the manufacture of wood alcohol, conditions obtained during its manufacture and refining. And in that connection statistics are given as to the progress of the industry and the development of the industry so far as I have been able to obtain them from authentic sources. The third chapter deals with the uses of methyl alcohol. And I might call your attention, just in that connection, on page 21, you will find it, in the report of methyl alcohol. I have subdivided the uses into five different headings. First, for denaturing methyl alcohol. B. In the chemical industries. Methyl alcohol is used in the manufacture of coal tar colors and dyes (methylene blues, green, violet, etc.); perfumes ("Yara-yara," "Eau de Cologne," "Florida Water," etc.); transparent soap; smokeless powder and other explosives;

varnish, finish, lacquers, stains, etc.; fulminate of mercury, inks, celluloid, zylonite, and similiar products; oil cloth, leather clothes, pegamoid, and similar materials; photographic materials; formaldehyde; organic compounds (synthetic oil of wintergreen, etc.); "methylated ether"; and as a reagent in chemical laboratories.

C. In pharmaceutical and medicinal preparations. Methyl alcohol is employed in the preparation of synthetic drugs (methyl, etc.); in toilet preparations (bay rum, witch hazel, "Florida water," etc.); in essences, extracts (extract of lemon, orange, etc.); tinctures (tincture of iodine, etc.), linaments, lotions and embrocations, patent medicines, proprietary and domestic medicines, solid medicinal preparations, surgical dressings, cattle medicines, plant washes, and in capsules and other medicinal appliances.

D. In the arts and crafts. Methyl alcohol finds application in the manufacture of hats (stiff, silk and straw), electrical apparatus, gas and electric fixtures, furniture, pianos and organs, cabinet work, picture molding, burial caskets, passenger cars, wagons and other vehicles, boots and shoes, toys, whips, lead pencils, brushes, rattan goods, brass beds, various kinds of metal hardware, incandescent mantles, artificial flowers; in dyeing establishments; in cleaning in laundries, etc.; and in the painting industry.

E. Unclassified. Other uses of methyl alcohol are as a fuel and illuminant. It also is employed for a variety of domestic purposes (cleaning, etc.); its abuses are conveniently considered in this connection.

The fourth chapter is concerned with the problem, "Is methyl alcohol a poison," and I assert that methyl alcohol is a poison as the result of that study.

The fifth chapter involves the investigational evidence and recommendations, the evidence brought together before the Committee on Ways and Means and Finance of the two Houses in Washington, and investigational evidence acquired abroad, and the recommendations made not only by different organizations, but by individuals.

The sixth chapter contains the investigation pertaining to methyl alcohol, and under that heading, page 62, you will find that the legislation pertaining to wood alcohol has been subdivided for your convenience into two general heads. First, legislation in the United States, subdivided in the matter of federal acts and other regulations having to do with denatured alcohol; State laws and municipal ordinances.

And the second general head, legislation in certain foreign countries. And I venture to say that unless you gentlemen, who are, of course, well versed in the matter of law, unless you have studied the laws of all foreign countries, will find some rather interesting reading on page 89 in the consideration of the Japanese law bearing upon this subject.

Then, in chapter seven, you will find my own conclusions and recommendations, being followed by four appendices. The first appendix — we will come to the conclusions and recommendations in a moment — the first appendix gives evidence of employees injured from wood alcohol used as a solvent for shellac, in hat stiffenings, etc., and appendix B gives data bearing upon free alcohol; appendix C gives the summary of cases of poisoning by drinking wood alcohol and preparations thereof, as having been quoted in the literature of wood alcohol either by drinking wood alcohol or by breathing the fumes of wood alcohol or by having wood alcohol applied on the surface of the skin and rubbed in; and the appendix D shows a list of the wood alcohol manufacturers in the United States, the first time an authentic publication of that list has ever been made, due to the courtesy of the people who control the wood alcohol industry.

With your permission, then I would read to you chapter 7.

“CHAPTER VII.

CONCLUSIONS AND RECOMMENDATIONS.

The data and the facts summarized in this report warrant the following conclusions:

1. (a) While there may be differences in opinion as to the actual toxicity of absolutely pure methyl alcohol, the preponderating evidence indicates that its physiological action spells injury.

The toxicity of the ordinary methyl alcohol of commerce, commonly called wood alcohol, even though it be of a higher grade of purity, is a recognized fact, whether its morbid action be due to the impurities or not.

The use of methyl or wood alcohol in any food, condiment, flavoring extract, or liquid capable of being used in whole or partially as a beverage, or internally as a medicine, should therefore be prohibited by law. This is covered in part at present by article 8, Agricultural Law No. 201, State of New York, previously cited.

(b) In connection with the law just referred to, I would like to direct your attention to a lack in clarity, and, in consequence, likely injustice from attempts at its execution. The intent of the law is undoubtedly wholesome, but the use of the word "methylyated" is ambiguous. In the loose English sense it means ethyl alcohol which has been denatured with methyl alcohol; but it has an even wider meaning from what might appear as its real intent. One instance will illustrate the point. Methyl salicylate, oil of wintergreen, is a recognized product of manufacture used for flavoring, which is a "methylyated" preparation. It is the same as oil of wintergreen made from natural sources. If the synthetic preparation were properly labeled, it would not be a case of misbranding, morally, within the meaning of the section yet a court could very properly hold that it was, because synthetic oil of wintergreen is a "methylyated preparation." The wood alcohol is no longer present as such and the physiological action of the wood alcohol is no longer observed. The above is true of many synthetic perfumes, flavoring extracts (as vanillin) and drugs of recognized medicinal value which are welcomed as legitimate commercial products of the chemist's art.

2. As the skin is a membrane through which many liquids really pass, the application of wood alcohol to the skin serves as a means of introducing it into the circulation. The absorption is instantaneous if there are abrasions. Furthermore, when a liquid containing wood alcohol is applied as a liniment or wash, the air becomes more or less saturated with its vapor. When this vapor is breathed the wood alcohol asserts its characteristic physiological action. Wood alcohol should, therefore, not be permitted in those

preparations such as perfumes, witch hazel, bay rum, "Eau de Cologne," liniments, washes, etc., which are intended primarily for external use on the human body. It may be remarked that "tipping" with these preparations is not uncommon.

The suggestion of allowing ethyl alcohol which has been denatured with methyl alcohol to be used for this purpose, namely, in liniments, etc., might appear as one open to argument primarily on the basis of dilution. The denatured formulas now in effect by the Federal consent do not encourage but discourage the use of industrial alcohol for such purposes. In my opinion it will be better to err on the safe side and to make the restriction only as the occasion arises.

3. In the manufacture of wood alcohol the workmen are liable to come into contact with the vapor only in neutralizing the acetic liquor with lime and in filling the shipping containers. In case of the former, the common practice now is to carry out the operation in closed vats which are open only when lime is dumped in. General requirements for ample ventilation should meet these difficulties, which, in fact, do not now exist in the works inspected in New York State.

4. Wood alcohol is a valuable solvent, used as such extensively in the arts in two important ways.

(a) It is used as a solvent in the course of the manufacture of many substances, but does not appear in the product when the latter is put upon the market. It is not destroyed but evaporates or is saved in part by condensation. It can exert its deleterious action during the process:

(1) By the workmen breathing its fumes,

(2) By the workmen constantly dipping their hands and arms into the liquor, or

(3) By the workmen drinking the wood alcohol.

Ample ventilation will meet the first difficulty. Standards should be determined in each case by the Board of Health or such board with authority, as may be designated.

In the second case the workmen should be provided with impervious long gloves for the processes should be operated mechanically; and if a closed process be used, the first difficulty is also largely met.

Education only can solve the third problem.

(b) Wood alcohol serves as a solvent or menstrum of the material which is placed on the market in a liquid form (varnishes) and exerts its action upon the users, depending upon multiform conditions. In works where these materials are used in large quantities and the solvent evaporates, ample ventilation should be required. In many cases, however, the workmen are more or less isolated. They may and should be warned of the danger attendant by suitable labels on the vessels containing the liquid they are to apply.

(5) All bottles or vessels used for transporting or selling products containing wood alcohol should be required to bear a prominent display label stating that it contains a "Poison" and giving advice as to danger of working with the material without ample ventilation."

Now I will take up my recommendations. My study of the subject impels me to recommend the enactment of laws as follows:

1. A law prohibiting the presence of wood alcohol in any form of material intended for internal use.

2. A law prohibiting the use of wood alcohol in preparations intended for external use on the human body.

3. A law requiring ample ventilation in works where wood alcohol is made or used in manufacturing products wherein the wood alcohol remains as such; the same law should apply where the products containing wood alcohol are used up, as for example, in varnishing vats in breweries.

4. A law requiring containers in which wood alcohol is marketed to bear suitable display of warning; and

5. These laws should be so drawn as not to inhibit use of wood alcohol in manufacturing products in which methyl alcohol supplies a constituent part, but does not remain as wood alcohol therein.

And in regard to the fourth in that connection, I will call your attention to the copy of the journal of the American Medical Association of November 30th, which has just come into my hands to-day, after this report had been sent in, by Dr. Wood of Chicago, bringing out some very important points in regard to the matter of labels.

The details of this are taken up in the report, so that injustice to manufacturers legitimately manufacturing can be avoided, but the laws can be arranged to strike at those people who are adulterating ethyl alcohol by the addition of wood alcohol.

Mr. ELKUS: We are very much indebted to you, Professor Baskerville, I am sure.

Assemblyman PHILLIPS: I think the Commission appreciates your generosity in dedicating your work to the public in this way, and I know it will be widely read and be of great benefit not only in this State but also in the country.

Professor BASKERVILLE: I hope it will serve some good, sir.

EMIL WILDERMAN was duly sworn and testified as follows:

Examination by Mr. ELKUS:

Q. Where do you live? A. In Carlstadt, New Jersey.

Q. What is your business? A. I am foreman of Habicht Brown & Company.

Q. Where are they located? A. At the corner of Houston and Laight streets.

Q. What is their business? A. Confectionery, wholesale confectionery supply house.

Q. Wholesale confectioners' supply house? A. Yes, sir.

Q. And do you have men working there at Houston and Laight streets? A. Yes, sir.

Q. How many men? A. About twenty.

Q. And women? A. Women, yes.

Q. How many women? A. We have got about fifty women.

Q. Children? A. No, sir.

Q. No children under sixteen? A. No, sir.

Q. Do you give out work to be done at home? A. Yes, sir.

Q. What kind of work do you give out to be done at home?
A. Cracking nuts.

Q. You give out nuts that you crack and the people take them home and pick out the meat? A. Yes, sir.

Q. And they bring the meat back to you? A. Yes, sir.

Q. Now, whom do you give this work to generally, to whom do you give it out? A. Well to —

Q. Families? A. Families, yes, sir.

Q. What kind of people are they, what nationality? A. Italian people.

Q. And you give them so many pounds of nuts, do you, or bags of nuts? A. So many pounds, so many pounds as they want.

Q. As many pounds as they want? A. Yes.

Q. And how much do you pay per pound? A. Four and one-half cents.

Q. Four and one-half cents a pound? A. Yes, sir.

Q. For picking out the meat? A. Yes, sir.

Q. And bringing the meat back? A. Yes, sir.

Q. What kind of nuts do you send out? A. Pecan nuts.

Q. Only pecan nuts? A. Only pecan nuts.

Q. And those nuts are then sold by you to confectioners? A. Yes, sir.

Q. Have you sold these nuts to be made into candy? A. Yes, sir.

Q. And do you sell to pretty fine confectioners? A. Well, that is not my business; I do not know about that.

Q. You do not know? A. No.

Q. You don't know whom they sell them to? A. No, sir.

Q. Well, they send them all over, you do not make them to keep? A. Yes, all over.

Q. And do these people pick out the nuts in their homes, do they pick the meat out of the nuts in their own homes? A. Yes, sir.

Q. How many people are there to whom you give this kind of work to do? A. Well, it is about one hundred.

Q. One hundred? A. Yes, sir.

Q. Are they women or men? A. Mostly women.

Q. Mostly women? A. Yes.

Q. Do you ever see the places where the work is done? A. No, sir.

Q. They do it in tenement houses, I suppose? A. Yes, sir.

Q. You do not know whether the people are sick or ill or anything about them at all? A. Well, if we find out that there are some sick people in some houses, we would not give any more work.

Q. When do you find it out? A. Once in a while we find it out through other people.

Q. Through other people? A. Yes, sir.

Q. But you do not know whether or not people are sick where they do this work — A. Well, I suppose we find it out through somebody else.

Q. How do they pick the meat out of the nut? Do they have an instrument or do they pick it out with their fingers? A. They should pick it out with an instrument, a knife.

Q. What kind of instrument? A. A knife.

Q. Do you give them the knife? A. No, we do not.

Q. Do you know if they crack the nuts with their teeth? A. They should not do that.

Q. They should not? A. No, sir.

Q. Well, do you know whether they do or not? A. I do not know.

Q. How many pounds a day can a family take, the least, out of these shells? A. Well, it is different, some more and some less.

Q. It depends on the number of children? A. I do not know that.

By Assemblyman PHILLIPS:

Q. You sometimes hear from outsiders that the people are sick, who are doing this work? A. Yes.

Q. It is accidental when you hear it? A. What is that?

Q. It is merely a chance that you hear of them being sick, you make no effort to find out, you have no inspection of the homes? A. No.

Q. How frequently do you hear of somebody being sick that is doing this work? A. Well, once in a while, three or four families live together in one house, and in that way we find it out and we ask them.

Q. How frequently does that occur that you discover that they are sick? When was the last time you heard of any of your working women being sick? A. I can't tell it exactly.

Q. What is the nature of their illness? A. Well, that we can't find out you know.

Q. You simply find out they are sick? A. We hear once in a while people is sick over there.

Q. When was it you last refused to give any nuts to anybody because there was sickness? A. Because there was sickness?

Q. Yes, when was it? How long ago? Can you remember any time? A. I should say it is about two or three weeks ago.

Q. You stopped sending them nuts because they were sick? A. Yes.

Q. Why did you stop? A. Why did we stop?

Q. Yes, why did you stop if they are ill? A. Why we heard that there is somebody sick in the family.

Q. Why do you stop sending the nuts to the people then? Don't you like to send them to sick people? A. No.

Q. Do you think it is a bad thing to do? A. Well, we do not want to send them to sick people.

Q. But you make no effort to find out whether they are sick? A. Well, it is a hard thing to find that out.

Q. What would you do for the cracking of nuts if this work was stopped in the tenement houses? A. If it was stopped in the tenements?

Q. Yes. A. If that work would be stopped in the tenements?

Q. Yes. A. I do not know.

Q. Would you employ people to come to your store to do it? A. That is what we are trying to do all the time. We do not like to give any work out in tenement houses, but we can not get enough people to get our work done.

Q. Why can't you? A. I don't know.

By Mr. ELKUS:

Q. Why wouldn't these same people work in your factory and do it? A. Well, these people say they can't work outside.

Q. Why? A. They can work only a couple hours a day doing such work.

Q. You mean you would not let them work through the night, isn't that the point? A. No, we do not work at night.

Q. You would not work at night, and you would not let them do it because you would not let them work in your factory at night, isn't that it? A. No, it is not.

Q. Isn't it because they use young children to do this work and you could not use any children in your factory, isn't that the

reason? A. Well, if they put young children to that work or if the people do it themselves I do not know that.

Q. You don't make any effort to find out? A. No, we can not do that.

Q. Don't the children come to the factory and get these nuts? A. We would not give children nuts, we would not do it.

Q. You would not do it? A. No.

Q. You won't let them carry them away? A. Only give them to the old people.

Q. Do you get a deposit from the old people? A. No, sir.

Q. You trust them? A. Yes, sir.

Q. How many pounds of nuts a year do you have opened to meet the demand in this way; have you any record at all? A. Of course we have a record, but I can't tell you it now exactly.

Q. For how many years have you been doing this? A. Well, I have been opening, cracking nuts, now for about twelve years.

Q. In the same way? A. Yes, in the same way.

Q. Now, are there many other confectionery supply houses in New York city? A. I think so.

Q. Are you the only house that sends out nuts in this way? A. I cannot tell you.

Professor FELIX ADLER, recalled, testified as follows:

Examination by Mr. ELKUS:

Q. You have been before the Commission once before upon this question of child labor? A. Yes, sir.

Q. And labor in tenements and homes? A. Yes.

Q. I think you are president of the National Child Labor Committee? A. Chairman of the National Child Labor Committee.

Q. We will be very glad to hear from you upon the subject, anything that you would like to say to us? A. Well, of course, what I have to say is based on the information supplied by the investigator, Miss Watson, and the proper thing would be for this investigator, to whom credit for the work belongs, to state her side.

Q. She has partially done so already? A. Yes.

Q. And she is coming on to finish? A. The propriety of my appearing before the Commission at all is due to the interest which I have taken in this work in urging that this investigation be undertaken, and in such comments as I am able to make on the results achieved. Perhaps I can best put the matter before the Commission by stating to the Commission the points that have come up and that have most impressed themselves in my mind. First of these is the very large number of licensed houses. There are 13,000 licensed houses in which work is carried on, and the citizens are apt to be deceived as to the security which this license afforded. When we hear it said that there are 13,000 houses in which work is licensed, we are apt to conclude that the work carried on in those licensed houses is properly inspected and that the community is safe against the evils of unsanitary conditions from overwork, and so on.

Now, that is to an alarming extent not the case. These licensed houses cannot be readily inspected. The number of inspectors is ridiculously small. They can hardly cover one house in a year, and the inspection is rendered futile by the fact that in 80 per cent of the inspections made by Miss Watson, in 80 per cent, it was found that the wrong names and addresses had been given of the workers who were supposed to live in those safeguarded houses, and they did not live there at all. Now, the first point therefore which I will comment upon, in the situation, is that the fact that these houses are licensed and that the inspection apparently covers 13,000 houses, is no guarantee that those houses are safe. The next point is the enormous amount of work carried on outside of licensed houses. These 13,000 inadequately protected houses are themselves not a circumstance to the amount of out-work which is being carried on in the city in which there is not even a pretence of safeguarding the interests of the community. The figures presented in the report are that in the embroidery trade alone there are 61,000 out-workers. Sixty-one thousand in one trade. In the crochet trade one manufacturer gives work outside of his factory to 2,000, another to 600, and so on, so that Miss Watson estimates that it would be conservative to say that there are 125,000 out-workers in the city. Now, then, apparently, the State has put itself over the factories, and the

factory workers. The State undertakes to inspect the work done in factories because it is done in the open and subject to surveillance, surveillance in the interests of the sanitary protection of the community and of the interest of the women and the interest of the child and the interest of the worker. Here the State puts its hand on the factories and says labor shall be protected, the community will be protected, and I will use the sanitary and police powers of the State for that purpose. And then we find that all around these factories there oozes out a vast flood of labor under the most incredible conditions, which is not covered at all. It seems to me it is one of the special objects of this investigation, as I understand it, to bring those facts to light, and to move forward in our social progress in such a way as to cover the gaps. Now, the one thing that I would abhor are sensational statements and scare-line statements, and yet sometimes the facts are so sensational that one hesitates to speak of them, and scare one so that one hardly dares to credit them. Some of the facts brought out in this report are of this character. I take up the question of sanitary protection. The necessity of extending the power of the State over that menace against all labor and all laborers is imperative, first, for the sake of the community or the health of the community where the facts come out as I say which are almost incredible. I will mention a few. The case of a child afflicted with a loathsome disease called empetigo, a contagious disease, it is a disease characterized by festulent eruptions. A child afflicted with this disease was found picking nuts, another child with the same disease was lying in a bundle of finished garments. Such a thing could not occur in a factory. Another case of a house in which there were eight families working at feathers, and on the top story of the house is a man who the housekeeper said has a bad disease, you better not go near him. Three days after he is reported to the board of health as a chicken pox patient. There are eight families working at feathers in this house.

Another case is that of a girl now nearing the last stage of consumption, working on dolls' clothes. These dolls' clothes will probably be sold in the shop, and will probably be purchased by kindly people as Christmas presents for little children. Just

think of the danger incurred — a girl who has been working in the last stages of a tubercular disease and other members of the family affected with the same disease, and can't be persuaded to go to a hospital, but insists upon working and the chances are that the germs of this disease will be lurking in these very dolls' clothes that you are buying for the little children.

A case is reported of a family that has been quarantined in a tenement house with diphtheria. Notwithstanding the notice of the Board of Health, one of the workers in that tenement house calmly proceeds to visit the family that is sick in a neighborly fashion, goes with good neighborly intentions, to visit the people who have diphtheria in the home, and then returns to her work.

A point is that under indirect conditions like this it is impossible to guarantee that the work that is done shall not carry with it the germs of disease.

I was particularly struck by the facts regarding the cigarette workers. There are a million hand-made cigarettes turned out every week. Hand-made cases, I mean. The conditions in those homes were found to be anything but sanitary. The paste was kept in a dirty receptacle and the edges of the paper licked by the workers. I suppose hand-made cigarettes are particularly desirable and command high prices —

By Mr. ELKUS:

Q. I might say to you, Professor, that we have had the testimony of these manufacturers this morning who told us about these cigarettes. A. And they are not licked?

Q. They didn't know how they were done, but of course — but they told us about the gilt monograms. A. Well, perhaps we will lick the manufacturers before they get through. But this is only as to the sanitary conditions. Then the State protects the women by a Fifty-four Hour Law, no woman is allowed to work in a factory longer than fifty-four hours. But how is that protection if the fact is as we ascertained, that the women, after they go home, take bundles of work with them and work until late at night in order to add to their earnings? Sometimes those who work at one trade in the day will work at some collateral trade in the evening, and so instead of having the short day

as contemplated by the law, it is stretched out to meet the necessities of the poor. Now, the theory of the law is that the health and strength of the worker must be protected in any case, and overwork shall not be permitted, and that the economic conditions must in time adjust themselves to that order. If we defeat this intention by surreptitiously letting the hours be lengthened in that way, it will surely defeat the purpose of the law.

Q. Have you considered the economic side of the question, as to whether or not if tenement house or home work is to be prohibited it will raise the cost of the article to the consumer, whether or not that is going to be really the case, or whether the consumer does not pay for the manufacture of the article a proper price indirectly by contributing through charity towards the support of the worker? A. Well, I think your point is one of the facts to be considered, and it seems to me that most of the labor that is done in the tenement houses by out-workers is unskilled. At all events, when we read of the wages paid them, it doesn't seem very plausible that they count for very much in the cost of the article to the consumer. Here is a child, for instance, the wages of little children, and this is the next point that I was coming to - - the wages of little children averaging 77 per cent. of the cases investigated is nine cents and less, in some cases per hour, some cases from five to nine cents. Those are the better paid, and only 13 per cent. are paid above nine cents per hour. The earnings of a mother mentioned here, of a mother and two children, one six and one four years of age, the earnings of this mother and those two little children were five cents an hour, the three of them working together. So I should not suppose that the price paid the laborers accounts for much in the cost to the consumer. If this labor were put into the factories much of the unskilled labor would probably not be employed and machinery would be introduced. It seems to me, if I may interpolate this remark, that the hope of the whole of society is to get away from these so-called domestic industries; they were, perhaps, domestic, at one time. The solution would be to put this work in the public view where it can be watched and inspected, and to put more and more of the unskilled work that is done for these pitiful wages in

the wee hours of the night, to put that work into the machines, and then to use vocational education and efficient training in order to make the workers economically worth the higher wage. But this, as you have asked me to go into the economical question, this is a side statement. I do not think that the State ought to hesitate to stamp out these poorly paid, miserably paid trades, domestic trades, for fear of injuring the worker. Whatever harms temporarily accrue must be made up. The charities would unite. Of course, there is the argument of the widow and the orphan, but it has come to be the fact that in only 12 per cent. of the cases tabulated were women the heads of families, and in those 12 per cent. out of 204 families visited, not all were widows, some were single women, so that the facts do not bear out that it is the widows that are trying to support their orphan children by this work.

The situation is pitiable in the extreme. Human beings should not be allowed to work under such pressure.

The next case is one that impressed me, perhaps, most of all. A woman is found, a mother and a seven-year-old child are found at five o'clock in the afternoon carrying home forty gross of corset covers, and those must be finished and brought in to the manufacturer at eight o'clock the next morning. After inquiry it is found that this little girl of seven worked that night until eleven, and the mother worked until three o'clock in order to finish those forty gross of corset covers, for which she received a pitiful wage. Now, why was it necessary that those forty gross should be finished by eight o'clock the next morning? Was there no humane factor to be considered? Now, that is the point. I do not see how any system that human intelligence can devise will really inspect. If any practical proposition can be made to that effect, I hold myself open to conviction, but I can see no way, I must admit, of devising a system of inspection which will really control the sanitary conditions and labor conditions of work done out of sight, done in the homes of the workers, and the conclusion would seem to me that we must move forward through the prohibition of this kind of work altogether.

Miss ANN MOORE, was duly sworn, and testified as follows:

Examination by Mr. ELKUS:

Q. Where do you live? A. 204½ West Thirteenth street.

Q. What is your business or profession? A. At present I am investigating for the State Factory Investigating Commission.

Q. How long have you been investigating for them? A. I have been investigating for them two months during the summer and one month recently.

Q. And what particular branch of work have you been doing? A. I have been visiting manufacturers and visiting the people in their homes.

Q. And who do home work? A. Yes, sir.

Q. And manufacturers who give out home work? A. Yes, sir.

Q. Now, will you tell the Commission what you found? Pick out some of the typical cases and give us the actual facts as you found them? A. In answer to the question that you asked Dr. Adler a minute ago, I would like to speak of a little incident which occurred last week. I was talking with a manufacturer who gave out home work and who paid for that home work only two-thirds of what he paid for the same work in the factory.

Q. What work was that? A. Carding buttons.

Q. You mean putting the buttons on a card? A. Yes, sewing them on. I was interested in getting that rate raised, and I asked the manufacturer why it was that he paid less for the work outside the factory than he did inside the factory. In answering that question he told me that the rate which their firm charged, put in their expenditures, was the rate paid inside the factory, that that was the value of the work to him, and that was the basis on which he charged to the public.

Q. That is the charge he made for work, the same work done in the factory? A. The ultimate price of the buttons, was based for that particular item of expenditure on the price paid inside the factory. Then I asked him if that were not the value of the work to him, and he said it was. I asked him then why it was he paid less to his outside workers, and he said, because we can get it done for less. The attitude of some manufacturers is that they themselves feel that home work is not a good thing, that if

their clientele knew that they were giving out work to be done in the homes, it would hurt their business. I was recently in the establishment of a firm catering to a very exclusive trade in New York city.

Q. What kind, what did they manufacture? A. Well, it was a store that sells clothing, and the particular form of home work given out was embroidery on sleeves.

Q. Women's clothes? A. Children's clothes.

Q. Embroidery on children's clothes? A. Yes, sir. When I first entered that store and asked where I should go the elevator boy directed me to a certain man. I went there and this man mistook me for a home worker and wished to know whether I could do the home work or not. I told him that he had made a mistake, that I had come from the Factory Commission and wished to know about the home work and how it was given out. He said, in that case, I can't answer your question; you will have to go to the superintendent. I went to the superintendent and told him I was from the State Factory Commission and wished to know about this home work. But, he said, we do not give out any home work. Then I told him I had been mistaken for a home worker, and he said, well, we have very few home workers. I had three interviews with that man and he told me a different story at every interview. I asked him if he approved of home work. He said he did not approve of it as it was some times done, but that he did approve of it as his firm did it. I asked him if he knew personally his home workers. He said he did know them, knew their homes, but he also told me on the second occasion that he gave out no home work. So that there were at least three contradictions from that one man in that one particular case.

Q. Did you find out whether or not he did actually give out the home work? A. I am confident that he did.

Q. Did you ever get the names of the home workers? A. He refused to give me the names, or to give the names to the Commission, but afterward, I believe, they were secured through the efforts of counsel.

Another firm was doing the same kind of work on Fifth avenue. I happened to see an advertisement —

Q. (Interrupting) Was this first concern a Fifth avenue concern? A. Yes, both stores were Fifth avenue stores catering to a very exclusive trade. (Continuing) An advertisement appeared in the newspaper asking for skilled embroidery workers. I went to the address and there I found a woman who told me she had advertised for embroiderers but that no one had answered her ad. because she wanted skilled workers. I asked her if she would tell me what price she received from the firm who gave out the work. She said no, she would tell no one that. I afterward went to the firm direct, who told me that they paid for this particular thing 35 cents for the front decoration and 50 cents for a sleeve decoration. It was a case of a little difference in the design. This woman told me that she had in fifteen years done no work herself, but she gave me the name and address of a woman who worked for her. I went to see this woman and found that she had been for the past eleven years doing all of this work which the first woman received from the firm; she was paid less than 30 per cent. of the price which the firm gave, because she received 10 cents for work which the contractor received 35 cents for, and she received 18 cents for what the contractor received 50 cents for.

Q. Was the firm responsible for that in any way? A. No, but the system of home work is responsible for it.

Q. Miss Moore, that is very interesting, but will you give me some of the cases you actually saw of home work? A. Of home work?

Q. Yes. A. There is one case I would like to speak of because it illustrates several things. The woman was at the time supporting her family. She was married. Her husband had been out of work for a year. She had five children all under nine. The work that she was engaged upon was passementerie of a very intricate design. She was able to support the family, but to do that she worked eighteen hours a day at that work. She did not get more than three hours' sleep each night.

Q. Did she do all the work herself? A. She did all the work herself. Her husband was not working any, not because he had an indisposition to work or because he wished to be supported by his wife, but because the man had exhausted his efforts to find work in his trade.

Q. What was his trade? A. He was a chauffeur.

Q. Do you mean to say he could not get work for a year? A. He was out of work nearly a year. Part of that time was when he was learning the business. That woman, in order to make enough money to support her family, had taken to board with her the baby of another woman. I saw this baby and I did not think at the time it would live through the night, it was so ill. I asked the woman if she had taken it to a dispensary or had had any doctor care for it at all, and she told me that she did not have time to take this child to the doctor, that it would simply to have to lie there and suffer, because she could not afford having her own children go hungry. I learned afterward that this was the second baby which that woman had had, and that the first baby which she had had in the same way had died. That meant that two children were practically brought to their death because this woman's entire time was devoted to home work.

Q. How much did she make a day? A. She was able, working eighteen hours a day, to make between a dollar and a dollar and a half. It happened that that work was pretty well paid work. She also told me that she had tried to teach her small child of nine years this trade, and had spent a great deal of time doing it, but had not been able to teach the child to do this. The sanitation in that place was bad, if one can judge by the odor. She had four rooms, only one of which had any ventilation to the outside air. The odor in the room was so bad that I could hardly stay in there during the length of time I was talking to the woman. And those children, six of them, are shut up there all day except for the time when the nine-year-old child is in school.

Q. Weren't they allowed to go in the street? A. No. Several of them were too young to leave her and she preferred having them where she could keep her eyes on them because she was afraid they would get run over.

Q. Where is that family? A. They have moved away within the last two weeks, and the husband got an opportunity to go to Porto Rico and he went there on the chance of a job. Another case was that of a feather worker. This girl is twenty years old. She has a father of seventy who is a day laborer and makes, when

he is able to work, \$2 a day, but from his age is not able to work constantly, and his trade is a seasonal trade which keeps him out of work a large part of the time. There are five children in that family and they are practically supported by this girl who is willowing feathers. She makes 11 cents an inch tying six and seven knots, and her average earnings are 69 cents a day when she has got adequate work. That also was a very unsanitary place. There were three rooms and only one room had any ventilation to the outside air. There have been in that family four consecutive cases of typhoid fever.

GEORGE B. CANGIALOSI, sworn to interpret for the following witnesses:

MARY PICCOLINO was then called and examined by Mr. Elkus as follows:

Q. How old are you? A. Nine.

Q. When were you nine years old? A. September 12.

Q. Where do you live? A. Twenty-one Stone street.

Q. Have you got a father and mother? A. Yes.

Q. What does your father do? What does he work at? A. He is blind; he doesn't work.

Q. Does your mother work? A. She works in the shop.

Q. In a shop? A. Yes.

Q. What does she do in the shop? A. She ties corset covers.

Q. Do you work, too? A. No, I never work.

Q. Do you work home? A. No, only sometimes I draw about two corsets, that is all.

Q. You work on two corsets? A. I never do nothing.

Q. Who else works with you on corset covers? A. Nobody else.

Q. How often do you work? Do you work every day on corset covers? A. No.

Q. When did you last work on corset covers? When was it? Yesterday? A. I only did it one time.

Q. When was it, when was that one time? A. I do not know.

Q. Did anybody tell you to say you only worked one day?
A. No, sir.

Q. Doesn't your mother work on corset covers at home? A. Sometimes in the night she brings a lot of them, three or four dozen.

Q. She brings them home after she works in the factory? A. Yes.

Q. And then you help her, do you? A. Yes, sir.

Q. How often does she bring them home, every day? A. No; some days.

Q. And whenever she does, you help her, do you? A. Yes, sir.

Q. How late do you stay up? A. Eight o'clock.

Q. You help her from the time you get home from school? A. Yes, sir.

Q. Until eight o'clock? A. Yes, sir.

By Commissioner DREIER:

Q. You put the ribbon on? A. Yes.

Q. Can you sew them? A. No.

By Mr. ELKUS:

Q. Is that your mother over there (indicating woman in audience)? A. No, my mother is home.

By Commissioner DREIER:

Q. Do you sometimes run in the ribbon before school in the morning? A. No.

By Mr. ELKUS:

Q. You take this ribbon, is that what you do, take this ribbon (indicating), run it through? A. Yes.

Q. How many brothers and sisters have you got? A. Four.

Q. And are you the oldest? A. One big sister.

Q. One big sister? A. Yes.

Q. One sister bigger than you? A. Yes, sir.

Q. And do the others help, too? A. No, sir.

Q. Are they younger than you? A. One is, yes, sir; one is four and the other is three.

Q. Where does your mother work? Do you know the name of the factory? A. No.

MANDALINO VITRANI was then called and examined as follows:

By Mr. ELKUS:

Q. Where do you live? A. 71 Sullivan street.

Q. How old are you? A. Twenty-eight years old.

Q. Have you a husband? A. Yes.

Q. What is his name? A. Dominico Vitrani.

Q. What does he work at? A. Candy.

Q. Where? A. Hudson and Spring streets.

Q. What factory? A. Heide's factory.

Q. How much does your husband make a week? A. When he does laboring work there he gets ten dollars a week, when he works at the machine he gets twelve dollars.

Q. How many children have you? A. Four.

Q. How old are they? A. The oldest is eleven; the next one is six; the next one is four and the youngest is a year and a half.

Q. Do you work at home? A. Yes.

Q. What do you do? A. Corset covers, ribboning and sewing buttons on corset covers.

Q. How much do you get for that? A. For sewing buttons and one line of ribbon on a dozen, six cents; if there is two lines of ribbons, nine cents for a dozen.

Q. Do your children help you do this? A. When there is school no, but after school hours they help a little.

Q. Do they go to school? A. Yes.

Q. Do they help you before they go to school? A. Not in the morning; they only get up in time to go to school.

Q. But in the afternoon when they get home? A. They may help an hour or a half an hour, and then they go to sleep, before supper they help.

Q. Don't they help you when you are very busy and having a rush order? A. When I am very busy I do as much as I can.

Q. How many dozen do you make a day, or how many dozen do you fix a day? A. It depends on as many as I get, sometimes ten dozen, and sometimes eleven, also depending upon the number of yards of ribbon I must sew.

Q. Which of the children help you, the two older children, the one eleven and the one six? A. The one of eleven years.

Q. Doesn't the other one help you? A. Occasionally she does, only she doesn't like to work.

Q. Which one? A. The little one.

Q. The six-year old child? A. Yes.

Q. But she helps in the afternoon — does she go to school, the six-year old child? A. Only in the morning.

Q. And when she comes home she helps, too? A. If she works like from 12 o'clock until now she has made six corset covers.

Q. From twelve o'clock until now, until half past three or four o'clock? A. Yes.

Q. Were they working when you were there, Mr. Cangialosi? Mr. Cangialosi (the interpreter) Yes.

Mr. ELKUS: How many of them?

The INTERPRETER: Only one, just came back from school, the older one.

Q. What is the largest sum you ever made in one day? A. If I have plenty of work, a dollar, as a rule 50 or 75 cents.

Q. And that is working all day? A. I can't work all day, but I do as much as I can. I have other duties, household duties and so on.

Q. Now, the day you made the dollar, until what time at night did you work? A. Eight or nine or ten o'clock at night.

Q. On the day you made the dollar did your oldest child stay up with you until nine or ten o'clock? A. No, they do not wish to work so late. In fact, the father will not permit them to.

Q. What time do your children stop working? A. About half past seven.

Q. Did you ever work in a factory? A. No.

Q. Could you work in a factory if you could not work at home? A. What will I do with my children?

Q. Well, do you let the children out in the street at all? A. No, they do not go to the street, because I require them at home to take charge of the children.

Q. You require them to take charge of the children? A. The little ones.

Q. So that when the children get home from school they stay home until they go to bed? A. Well, they never go out. If we go out, if I go out or my husband goes out, we take the children with us, that is the only chance they get of going in the street.

Q. And you don't go out? A. Only about two or three times a day to buy my supplies and so on for food.

CAMILLE PICCOLINO, called as a witness, and examined by Mr. Elkus as follows:

By Mr. ELKUS:

Q. How old are you? A. Seven.

Q. You go to school? A. Yes.

Q. What school do you go to? A. The Clark street school.

Q. Where do you live? Do you know what number of the street you live on? A. Sullivan street.

Q. What is the number of it? A. Seventy-one.

Q. Do you live with your father and mother? A. Yes.

Q. Have you got a father and mother? A. Yes.

Q. Is that your mother that just testified here? A. No.

Q. Does she work in the factory or at home? A. At home.

Q. Does your mother work home? A. Yes.

Q. What does she do? A. Corset covers.

Q. That other little girl was your sister too, was she, the one that was here before you? A. Yes.

Q. You help your mother make corset covers? A. Yes.

Q. You do? A. Yes.

Q. Every day? A. Yes.

Q. At nights too, or only in the daytime? A. Only in the daytime.

Q. What time do you go to bed? A. Eight o'clock.

Q. What time do you get up in the morning? A. Seven o'clock.

Q. What time do you go to school? A. Eight o'clock.

Q. What time do you get out of school, twelve o'clock? A. Three o'clock.

Q. And from three o'clock until you go to bed do you work on corset covers? A. Yes.

Q. Do you ever go out in the street to play? A. Yes.

Q. Don't you go right home from school and go to work on the corset covers? A. No.

Q. How long do you stay on the street? A. One hour.

Q. Then you go to work? A. Yes.

Q. Do you ever work late at night, until ten o'clock? A. No.

Q. Eight o'clock? A. Yes.

By Commissioner DOWLING:

Q. Do you ever get tired working? A. Yes.

Q. What do you do with the corset covers? A. Put the ribbons on.

Q. How many can you make? A. I can't tell.

By Mr. ELKUS:

Q. Are you in the primary grade? A. Yes.

Q. What class are you in, do you know? A. 1-B.

Q. Where do you go to get your dinner? A. Go home.

Q. What time? A. Twelve o'clock.

Q. And you go back at one to school? A. Yes.

Q. Or do you stay home? A. I go to school.

Q. You go back to school and stay until three o'clock? A. Yes.

Q. Do you ever stay home from school because you are sick? A. No.

Q. You never stay home? A. No.

Miss ANN MOORE was recalled, testified as follows:

By Mr. ELKUS:

Q. Now, will you go ahead with the specific cases that you have? A. There was no other specific case I had to speak about. The special thing I wanted to say was in the matter of wages, that the wages by the system of home work are brought down to absolutely the lowest possible standard. They subvert every law we have got at the present time. It means that under the present labor conditions women make sometimes as low as a cent and a half an hour, and five or six cents an hour is a fairly average price for them to make, and nine or ten cents an hour is an

extraordinary price for them to make. Many women earn fifty cents a week, very many of them average up to \$2.25 which is the exception.

By Commissioner DREIER:

Q. A week? A. Yes, a week. It is an exceptional thing, and not the rule, for them to make more than that, and they are working from seven to twelve hours a day to earn that. If they go above that amount, it means that they have children or other people in the family helping them.

Q. Are these results of your tabulation of investigations you have made? A. Yes.

By Mr. ELKUS:

Q. I wish you would give me the rest of this in a report, which I will have added to your testimony? A. I do not know that there is anything more which I specially wish to speak of.

Mr. LEO ARNSTEIN, representing the New York Child Labor Committee, then addressed the Commission as follows:

Mr. ELKUS: You were to make a statement to the Commission?

Mr. ARNSTEIN: Yes, sir.

Mr. ELKUS: We will be very glad to hear you.

Mr. ARNSTEIN: On the Child Labor Committee I have been acting for a number of years as chairman of the scholarship committee. The scholarship committee takes up the cases of children to whom the laws seem to work a hardship and who through some clause of the law are unable to obtain their working papers. It investigates those cases and in those cases where the provision of the law is working a hardship, it subsidizes the family to some extent in order to obviate that hardship. In the course of that work the committee has been greatly impressed with the fact that when a child is unable to get its working papers at the proper time, it is very often due to the fact that at some stage of the school life it has been working at home and has been kept away from school therefor. We have in each case investigated their home life, and, as I say, when the child is either unable to

get its papers because it has not enough days of schooling attendance to comply with the law or because the average which it has obtained is not sufficiently high, we have found in innumerable cases that this is due to the fact of the child having done home-work. In a great many of these instances we found that when the bread-winners of that family, the proper bread-winners of that family, were compelled to work, the earnings of that particular child from this home-work were found to be unnecessary, and that the child's being compelled to go to school has in no way mitigated against the family getting along as well, and in some cases better than it did while the child was working at home. In other words, we have found in the work of the committee that a large part of the truancy is due to the fact that the child starts working at home, in the first instance after hours, and finds that it is difficult or impossible to keep up in its studies to the required standard, and then gradually drops out of school and does a few days of work during the schooltime and gradually drops out of sight from the school standpoint and becomes a steady home worker.

By Commissioner DREIER:

Q. Then you advocate the abolition of home work? A. Distinctly so. I have a few instances of such families here which I will be glad to submit to the committee in case it wishes to have them submitted. They are cases where the child helps to support the family and was kept out of school to do some work on the ground the family was unable to get along without such aid. When the law was enforced, and the child was sent back to school, then some other member of the family who had up to that time either not been contributing or not been working, was, by reason of this pressure, compelled to help along, and the family thrived very well without the help of this child.

Q. Do you want to read those to us or will you submit them? A. Just as you wish. There are some of them that are fairly typical that I will be glad to read if you care to hear them.

Q. We wish you would? A. There is one family here, consisting of the parents and four children. They are Italians. The father, a musician, travels around with a band and earns \$12 to \$14 a week; he spends most of it on himself and sends the family

only \$4 or \$5 a week. Dressed very nicely. His family, for the lack of the necessary funds, took in feathers to work on at home. The mother's sight not being good the bulk of the work fell upon the fifteen-year-old daughter, Angelina, who remained out of school all winter, and earned from \$3 to \$5 a week at it. School authorities compelled the girl to return to school, and the father thereupon contributed a larger amount to the support of the family and the committee, which has been keeping in touch with the family, finds that it gets along very well without the work on the part of the child.

Q. Are you contributing towards the family support? A. Not in this instance. If it had been necessary to contribute towards the support of the family, the committee would have done so. But where some member of the family who ought to be supporting the family is found to be capable of doing so, we merely enforce the law and try to bring that about, and improve conditions in that respect.

By Commissioner DOWLING:

Q. How many families do you give help to? A. At the present time we have on our roll between seventy-five and eighty. That is a constantly changing quantity in each year. There are a certain number of children who get their working papers and pass off the list, and a new list goes in, and eighty, I should say, is a fair average number during the school year.

"Michael family, West street. The family consists of mother and daughter, who finish kimonos. The mother works in a factory on kimonos, earning enough to support herself and daughter, but brought home rush orders and kept her daughter from school to finish them, and did this for seven months. Through some urgent request the school authorities compelled the girl to return to school. She is now attending regularly.

"Liquori family, Hughes avenue, Bronx. The family consists of the parents and seven children. The father, according to his own statement, is a painter and is able to support his family. Their eldest daughter, fourteen, however, requires clothing more elaborate, and the father told her she would have to work for them. She therefore remained out of school, working on feathers. Sometimes earned as much as \$5 a week, which she spent cloth-

ing herself. Our committee called the attention of the school authorities to this matter, and the girl was compelled to return to school.

"Sofia family, Hamilton street. The family are Italians; consists of father, stepmother and four children. The father is a day laborer and earning good wages; stepmother finished button-holes at home, although the earnings of the father added to the income derived from lodgers was equal to the needs in the home.

"Astralla family, East 112th street. The family are Italians; consists of parents and six children. Father on the street cleaning department, receiving \$2.50 a day. The mother did nothing. Mary, a fifteen year old girl, was the eldest; she remained home from school a year and a half, working on feathers and earned \$3 to \$4 a week.

"Arouri family, East 109th street. The family consists of parents and four children. The father and a twenty-year-old son are carpenters and capable of securing permanent employment, but as his wife and a fifteen year old daughter were able to flue feathers at home and support the house, the men did not exert themselves. The girl was compelled to attend school regularly, which she had not been doing.

"Landolfi family, Brook avenue, Brooklyn. The family consists of parents and five children. The father is a bookkeeper and willing to support the home, with the aid of a seventeen-year-old son. Mary (15) remained home from school to flue feathers, against the wishes of her parents. Spent her earnings on dressing herself.

"Delbango family, East 109th street. The family consists of parents and seven children. The father is a barber, earning \$14 to \$15 a week; he fell in January, 1912, and broke his leg. Mary, the fifteen-year-old daughter, stayed out of school to assist in the support of the home by fluing feathers. After her father's recovery she still remained out of school, for many months. Through our request the educational authorities placed her in school.

"Maura family, East 111th street. The family consists of the parents and four children. Are Italians. The father, a junk dealer, is assisted in the support of the home by his wife, who flues feathers in the home. Frances, a fifteen-year-old daughter, assists after school with the feather work.

"Phillips family, Chrystie street. The family consists of mother and three daughters. Mother is a widow; finishes trousers at home with the aid of her three children. They receive from four to six cents a pair, and worked from 7 or 8 A. M. to 9 and 10 P. M. For the last three years, with the opening of the fall term every year, these three children were kept home from school, and the authorities have been compelled at the beginning of the term each year to have the mother taken into court; this year the mother was fined before she would permit the children to return to school."

By Commissioner DOWLING:

Q. Do you think the prohibition of manufacture in tenement houses would be a hardship to these people? A. In the long run it would undoubtedly be a benefit. There would be certain cases that would be probably dependent upon home work, but those cases could be taken care of.

Q. Well, it would throw a great deal of work on an association such as yours, then? A. No, at the present time we are taking care of cases which are not able to get along without aid of that kind, but we find that of the applications for aid of that kind a very large number merely need an adjustment, and when a little pressure is brought to bear are able to respond. But the point that I wish to emphasize is that a great many of the children who are unable to get their working papers when they are fourteen years old are unable so to do because they have been kept out of school at earlier times in their school course and have not acquired either the necessary amount of knowledge or the number of days to entitle them to working papers at the time when they otherwise would get them.

Miss PAULINE GOLDMARK then addressed the Commission as follows:

There are certain points about home work that have come under our particular notice, which I should like to explain more fully because they bring out the very serious character of the underpayment in this trade, and the amount of speeding that is necessary to make any wages at all. It is true, I think, that there is no device at present which so consistently enables the manufac-

turer to push down his wages as this matter of tenement house work. We have seen in the course of a year and a half the same articles produced for a lower and lower wage in the tenements, and that was particularly true of the feather fluing and the making of feather plumes, which fell from 15 cents an inch down to 10 cents, 8 cents and 5 cents, and finally fell to 4 cents an inch. The work was not quite of the same character, but there was a great depression of earnings in a pretty difficult and unpleasant process. The question of children's clothes, Mr. Chairman, or dolls' clothes, seems to me to bring up two points — that these clothes, though they are made by machine, are made in the tenements, although the public does not know it, and therefore always may carry disease. The Campbell Kidd Clothes are being made for the Aetna Company for 30 cents a dozen, this garment (exhibiting sample).

Q. That is the Aetna Company, whose representative was on the stand this morning? A. Yes. It takes three days to make a dozen, according to the testimony of one of the workers. This is the actual garment that was obtained from a worker in the tenement. The dolls themselves do not go into the tenements.

Q. They get 30 cents a dozen for these and it takes three days to make a dozen? A. Yes. This particular woman said that it took her three days.

Q. That is done by machines? A. Yes; the women have their own machines and supply needles and thread. The garments which pay 10 cents a dozen are these. They are much simpler, and you can do a dozen in an hour. The making of Irish lace is another conspicuously underpaid trade. This article (exhibiting article) was made in the presence of our worker, our investigator. This crocheted medallion is paid for at the rate of 20 cents a dozen. It takes half an hour to make one, and it is paid for at less than a rate of two cents an hour. The lace is also equally underpaid. This fine quality pays 60 cents for a dozen of lace crocheted ornaments, and the worker makes a dozen a day. That is a full day's work, and gets 60 cents.

By Commissioner DREIER:

Q. Will you tell me how much this sells for, retail? A. We have no exact facts about that. This is lace of a good quality,

though, and is being sold at very good shops in New York. But it is almost impossible to trace the garments or articles from the tenement into the shop, and I could not get any definite figure as to the price of this lace.

Q. It is all hand work? A. This is all hand work, and in many cases the cotton has to be supplied by the worker. Three to five yards an hour is what these workers make, and it is a tremendously quick worker who makes anything as fast as that.

By Commissioner DOWLING:

Q. How much does she make a day? A. I haven't the total day's wages. One row 2 cents, double-row 4 cents, she can make 3 to 5 yards an hour; that would be 12 to 20 cents on a double row.

Q. That is very skilled work, isn't it? A. Yes, that is the skill which seems to be inborn in the Italian women. I think I have never seen one who could not pick up this Irish lace, these Irish lace patterns and copy them, and the manufacturer takes advantage of that fact. Here is one that is paid at the rate of two cents an hour. In regard to that Irish lace, there have been several stories of the exploitation of workers and one of which was very carefully followed out. The fact is, that all this Irish crocheting is let out by sub-contractors who go to the tenements and often live in the tenements themselves and let out the work to women. They sometimes have a hundred or two hundred women working for them in certain localities.

By Mr. ELKUS:

Q. A sort of padrone system? A. That is it exactly. And the story I referred to concerned a woman on the upper East side who moved from section to section to avoid paying her workers after they had delivered the finished articles.

Q. Has this system grown up because of this home work? A. I think it is entirely due to the fact that the work is sub-contracted out from the manufacturer who doesn't care to take the trouble to deal with all his individual workers, so he gives it to the contractor, or the sub-contractor, who is usually a woman, and she lets it out.

Q. And makes a profit? A. And makes a large profit.

Q. We are glad to know that, because it is very interesting. You see, if we could show that the manufacturer would pay better wages to these women if they worked in the shop by eliminating these middle men, who are useless, the consumer would not be hurt at all? A. The consumer does not get the benefit of this at all.

Q. He gives it to the padrone? A. And to the manufacturer. Of course some manufacturers do not know about the sub-contracting, and I have no doubt that they would be surprised. That was one of the largest retail stores in the city. This woman left unpaid in one tenement house between twenty-five dollars and thirty dollars to the women who had worked through the summer for her and never saw a cent of pay, and there is no way of holding the manufacturer responsible. For instance, this article which is a cracheted bag which has come into fashion during the last few months was one of the articles that was sub-contracted for.

Q. The making of crocheted bags? A. Yes.

Q. Can you give us any idea what the contractor's profit on that is? A. Well, I think the contractor made a mistake on that. That was a new article and the contractor had not yet adjusted the rates, but apparently the next time the worker will get a lower wage because the contractor did not make sufficient on this set of bags. Well, this pays the home worker thirty cents each, and it takes four hours to make one, home worker supplies thread, five cents' worth, so she earns twenty-five cents in four hours.

Q. That you think they won't do after this? A. No. That is usually the way, they have to pay higher rates while the workers are learning how to do it and they are adjusting the prices, and then in each case we found the price came down.

Q. As soon as they learn, the prices come down? A. Yes, and as soon as the neighbors learn. We were surprised to learn that gloves of such good quality are being stitched in the tenements.

Q. Kid gloves being stitched? A. Being sewed entirely by machinery in the tenements (exhibiting gloves).

Q. Where did you get that pair of gloves from? A. This came from McDougal street in New York city here.

Q. And they make them right there? A. And they were bought from the worker.

Q. In McDougal street? A. In McDougal street.

Q. Well, how are they able to sell those to you? Don't they have to deliver them back? A. Yes, but it is such a loose system. We perhaps have to pay more than she pays. She gets one dollar and forty cents per dozen for the good gloves.

Q. For the white gloves? A. For the white gloves.

Q. What does she do? A. All the stitching of the seams.

Q. And she gets one dollar and forty cents a dozen? A. Yes, and one dollar and twenty cents for these.

Q. For the shorter gloves? A. Yes. If she does that lap seam edge, she gets one dollar and sixty cents.

Q. How many is she able to make in a day? A. She says that she is an expert worker and that she is paid factory prices for these.

Q. These are the factory prices? A. Yes. She believes she is getting factory prices. We have not verified that fact.

Q. How much does she make a day? A. I haven't that fact written down. I have our investigator here, if you would like to ask that question.

Q. Can she state it right here?

(The investigator referred to): Well, it depends on the worker, and on the gloves she is making.

Q. How many can she make a day? A. She can make from nine to twelve pair a day.

Q. Nine to twelve pairs a day? A. Yes; she is an expert worker.

Q. What did you pay for these gloves? A. I paid \$2 for the white gloves. The worker gave me the white gloves, but the other gloves I matched just to show the piquet seam.

Q. Do you mean you bought them? A. Yes, bought the white gloves directly from the woman that made them.

Q. How much did you pay for them? A. Two dollars.

Q. You paid the worker two dollars? A. Yes.

Q. And how much did you pay for these? A. One dollar, and for one I paid 89 cents.

Q. How much do these sell for retail, the white gloves? A. I should say they pay \$3 or \$2.65.

Q. And you paid \$2? A. Yes.

Q. And did you pay more than she would have to pay? A. I told her to charge me what they would charge her for these gloves in the factory. The point I wanted to bring out is that this is skilled labor, very high class of work.

DORA V. SABSOVICH, was then called and examined as follows:

By Mr. ELKUS:

Q. You were employed by the Factory Investigating Commission? A. By the Consumers' League.

Q. And where was this place on McDougal street, do you know the number? A. Yes, I have it right here. Fifty-two McDougal street. The glove-maker says she was given factory prices, the highest prices.

Q. What kind of a place was it? A. You mean as to sanitary conditions?

Q. No, was it a home? A. A tenement house.

Q. How many rooms did the woman have? A. Three rooms.

Q. And where was she working, in the bedroom or the kitchen or what? A. Well, it was a combination room.

Q. Did she have a machine? A. Yes, had two machines.

Q. Who worked besides herself? A. Just she herself. But I saw other women, another family, working where there were four working in one room, sewing on three different kinds of machines, and that is why I produced the other two pairs of gloves, just to show the kind of stitching they do in the homes.

Q. These women in McDougal street had their own machines, which they owned? A. Yes.

Q. Although in the factory, of course, they would not have to have their own machine? A. Oh, no.

Q. Were they power machines or did she work them by foot? A. Works them by foot.

Q. And was it a clean place? A. Well, not very clean, no, but it was not the worst I have seen.

Q. It was not the worst you have seen? A. No, but it was quite dirty.

Q. Where was she, in a kitchen? A. Yes, it was kitchen and a bed stood there.

Q. A bed there also? A. Yes.

Q. How many families live in the three rooms? A. Well, she said that just the one family in that particular case.

Q. And how many children? A. I don't know.

MISS GOLDMARK: Now, in regard to the hours of work. Of course, the individual length of hours is not a matter of concern to the manufacturer, but if he wants the work in a rush, and that often happens, then he puts the screws on. The next exhibit is this pearl necklace.

Q. Real pearls? A. Roman pearls, 60 cents for stringing and putting the catch on one gross of strings. For a gross of strings —

Q. (Interrupting). That is 60 cents for every 144 strings? A. Yes.

Q. Do children do this? A. No, I do not think any children work there. I want to explain about the work, that if these beads come strung from the manufacturer, the woman can take off the thread and run the string straight through the beads, and the work is comparatively easy, but if it comes to her just a bunch of beads in a box, she has got to pick up every bead and put it on a needle, which makes it a difficult task. It means about three times as much work. But in regard to this price, the woman never knows whether the pearls are coming to her loose or on the strings.

I would like to have Miss Sabsovich testify on the night work, if you will.

MISS DORA V. SABSOVICH was recalled and testified as follows:

By Mr. ELKUS:

Q. How much do they make a week? A. I happened to see this woman twice.

Q. Where was it? A. On Ninth street, East Ninth street. And I saw her last Monday and asked whether she was doing any work. She said no, it was very quiet, but that on Friday she had

received a special call to come for some beads because there was a rush order, and she had to work all night. She was given a gross to finish; she has a daughter of about twelve who sometimes helps her after school hours.

Q. That night? A. Yes. She said it took her all night. I didn't ask her whether she got any sleep that night, but she said she worked all night to get them at the factory the next morning at eight o'clock.

Q. And she was compelled to work all night to get one gross finished? A. Yes.

Q. And that netted her sixty cents? A. Yes.

Q. And she and her daughter, a girl twelve years old, worked at it? A. Yes.

MISS GOLDMARK: Those are the chief facts that we wanted to emphasize here, that the pay is shockingly inadequate in a great many of these cases, and in no cases that we have found, rises up to a living wage. And it is because the need of these wages is so acute that it drives parents to things that seem almost inhumane.

For instance, I heard last week of two young children under age, one 8 and the other 12, who were working at stringing garters. This was a case in which the garters were brought home every evening about seven o'clock by the older sister who came home from the factory, and the garters had to be strung at once. I have not seen these children at work at night, but the story of the friend who reported this case is that these children have to stay up every night. And they also work after school as soon as they get home. This friend who found the children sick wanted to take them to the Vanderbilt Clinic. She said that these children were so ill because they were indoors all the afternoon and evening, and she thought they ought to see a doctor, but she could not get them to go to the clinic because there was compulsion to work every hour after school.

This beading is done for ornamentation, I believe, and is paid for at the rate of two cents a tassel, and it takes an hour to do two tassels.

Q. They get four cents an hour? A. Yes.

Q. Open to women and children? A. Yes, I think they make them generally, but not young children, because it takes great care not to lose a spangle.

Q. Done in the tenement houses? A. All of this work is done in tenement houses. And the last instance is a class of work that calls for great attention and real eyestrain, that is the pulling of threads of these linen handkerchiefs, gentlemen's linen handkerchiefs for the hemstitching.

Q. Who does it, women or children? A. Both. Eight cents a dozen handkerchiefs for plling those threads.

Q. Eight cents a dozen? A. Yes, you will have to appreciate that that linen comes to them stiff and anybody who has tried to pull out threads knows that it takes quite a while to soften up the handkerchief before you can get the threads out, and then you have to count and take out the exact number of threads. This is pretty fine linen, and takes careful work.

Q. Do they do it with a magnifying glass? A. No.

Q. What do they get for that? A. Eight cents a dozen handkerchiefs for pulling out the threads.

Q. How many can they make a day? A. Seven dozen, with some help, or 56 cents a day.

Q. That is for how many hours a day? A. You will have to ask Miss Sabsovich.

Mr. ELKUS: Miss Sabsovich, how many hours do they work on this?

Miss SABSOVICH: There is a mother and daughter working at this.

Mr. ELKUS: How old is the daughter?

Miss SABSOVICH: Eleven years old, and she helps very materially after school hours.

Mr. ELKUS: Did you see her at night working on these?

Miss SABSOVICH: It depends upon how much work they have to do and how long they can stand the eyestrain, whether they work at night.

Mr. ELKUS: Well, how many hours a day does the mother work?

Miss SABSOVICH: She works on the average from six to eight hours a day because she has her home to attend to.

Mr. ELKUS: And the girl works after school hours?

Miss SABSOVICH: Yes.

Mr. ELKUS: And they make how much a day?

Miss SABSOVICH: Well, I saw her pay-book, and two dollars and a half seemed to be about the most she ever made in a week.

Mr. ELKUS: Two dollars and a half a week for mother and daughter?

Miss SABSOVICH: Yes.

Miss GOLDMARK: That was a case in which I wanted to emphasize the fact that we actually saw the pay-book.

Mr. ELKUS: And that was the largest sum she made?

Miss SABSOVICH: Yes.

Mr. ELKUS: And what did she make ordinarily?

Miss SABSOVICH: \$1.30, \$1.87 and \$2.

Mr. ELKUS: A week?

Miss SABSOVICH: Yes.

Miss GOLDMARK: I don't suppose there is any way of regulating or supervising homework or keeping the children out of it except getting it out of the homes altogether.

Mr. ELKUS: Prohibiting it altogether?

Miss GOLDMARK: Yes. I do not see why any set of manufacturers should be having the advantage of making such savings on rent and on wages and then put the State to such great expense as trying to regulate and inspect 10,000 homes.

Mr. ELKUS: Also, we might add to that, to maintain these people when they break down.

Miss GOLDMARK: And naturally if they are not making a living wage somebody has got to pay the difference sooner or later.

Mrs. FLORENCE KELLEY then addressed the Commission as follows:

Mr. Chairman, I should like to relate under oath a story that came under my observation because I have published it under circumstances which somewhat discredited it. It illustrates all the things that I know that are served as arguments why we should abolish this work and not attempt to regulate it any more. I was walking in Nineteenth street on the way to my office and met two children carrying knee-pants on the way to the Excelsior Garment factory in West Nineteenth street. They were little Italian children and it was Monday morning, in the school hour, and I could not think why they were out of school, and I asked them, and the little boy said they had sickness in their house. And I said, what is the sickness, and he said "scarlet fever." I said, who has got it, and he said, "I have." I thought he was joking, and he lifted up the lids of his eyes and he said, "look at the red in my eyes." And his little sister said that he has got scarlet fever. I said, how do you happen to be carrying these pants, then, and why aren't you in school, and she said she can't go to school, "we ain't let because the Board of 'Hell' ain't smoked our house up yet." I said, how do you happen to be carrying any pants and she said the mother had just finished that work that Sunday, and they were finished and she had to take them back, they should have gone on Saturday night but they did not have them ready before the place closed. Then I went with them to their school. They said they went to school in West Twelfth street, and I went with them to the school but did not let them go in. And I got the principal of the school to look them over and he said it was true that they were out of school because they had scarlet fever in the house and could not come back for three or four days yet, that they were such clever children they had been promoted on their record in their absence. Then I went to the house where they lived and found the Board of Health placard on the inside of the door of their tenement, but not on the outside door of the tenement house. And inside

their tenement, which was three rooms, was their mother and a visiting child and a visiting neighbor from upstairs, neither the mother nor the child, the visiting child or mother, had had the scarlet fever, but they were just casually visiting there and there were knee pants on the premises, and the mother said the same thing, that they were quarantined, that the children could not go to school, as the principal had said. I asked about the placard, why the knee pants had been left in the house when the Board of Health Inspectors had been there, why they had not done anything about the pants, and she said that as soon as the Board of Health Inspector came they sent the knee pants up stairs to a flat that did not have any scarlet fever in it, and then brought them down again after the inspectors had gone. I brought this to the attention of the Board of Health and they said they had done their part, had not found any goods, had placarded the house and had notified the Board of Education in their routine way, the children had been properly taken out of school, and they did not see that they were to blame. I went and I notified the Factory Inspectors and they said the reason they had not done anything about it was because they did not know there was any scarlet fever there.

Well, these children were living in a little flat in East Eleventh street, because they were in this way within walking distance of the Excelsior Garment Company's factory. They were rather young children and that was about as far as they could walk with these bundles, big bundles of goods of those pants. Now, that is a perfectly clear object lesson of the way in which the sweating system increases the congestion in the city, for all over the city you find families in the places they are in, because it is within walking distance for the women and children to carry the bundles.

Then I asked about the father, and I traced him up and I found he was sitting gambling in a wine room down at the corner. He never worked at all, simply lived on the family.

Q. He never had work? A. There was no record of his working. He was a good big husky looking Italian, sitting there gambling the coppers that these children earned.

By Commissioner JACKSON:

Q. How old was he? A. I guess about 40, a good husky looking man, but did not labor.

By Mr. ELKUS:

Q. As long as he could make his wife and children work he was willing to live on them? A. Yes, and as long as they can get that kind of work they will stay in that congested work region there within walking distance of the place. And here were all the regulations in order. The school had done its duty, the Board of Health had done its duty, the Factory Inspectors had done their duty, and the house was licensed, and the children — what will happen to the children that wear those knee pants?

Q. They were in the peeling stage? A. This fellow was enough beyond the peeling stage and the only trace was his red eyes, but he had worked, I think, all through the peeling stage.

Q. Is there anything else you would like to say? A. Yes, I would like to call attention to one legal aspect of this matter. The reason that we have this is that the Court of Appeals in the Jacobs case held —

Q. The cigar case? A. Yes. The court held that the work in the homes could not be interfered with. Well, it has never been clear to my mind that that decision applied really to anything beyond cigars. That was a cigar case. But assuming that it did, there is every reason to suppose if the Court of Appeals had a chance now, this Court of Appeals — that case was in 1888 — this Court of Appeals would reason in every way different from what that court reasoned, because we know more about the germ theory now than we knew then, and no court surely in its senses to-day would say it was doubtful whether the health of the individual worker could properly be regarded as part of the public health, which is part of the wording of the Jacobs' decision. The Court of Appeals cannot reverse itself until it gets some suit to decide upon, and no Legislature has hitherto given it any such opportunity. It could reverse itself, but it can't rise up out of a blue sky and reverse that decision, so we go around in a circle, and the Legislature hesitates to enact a law prohibiting this kind of thing because of the effect of the Jacobs' decision, the Court of

Appeals cannot reverse that old decision until it gets a case to decide arising under a new statute embodying that same principle.

Mr. ELKUS: It has got to have a concrete case to act upon.

Mrs. KELLEY: Yes. I do not believe that that decision would be standing to-day.

Mr. ELKUS: You are in favor of the prohibition of home work?

Mrs. KELLEY: Oh, absolutely yes. That is what the Consumers League exists for.

SARAH FAHEY, 78 Locust street, Corona, Long Island, was then called and testified as follows:

Examined by Mr. SHIENTAG:

Q. Are you a principal in the public school? A. No, I am head of a department.

Q. What public school?

Q. Will you tell me what your observation has been of the effect of working in the homes on the school attendance and the school records of children? A. I found that girls working now and then at home form a bad habit of attending irregularly and finally dislike school and eventually become truants. Another thing, the children are overworked at home. They work until late at night. They tell me this themselves. And they are not able to take up their studies during the course of the day. They become listless and tired, and many complain of their eyes and state that working at feathers injures them. I know a case of a child that came to me, a little Italian girl, and she said her little sister seven years old was working at feathers, tying them, and her eyes became so sore that her mother eventually said it would be better for her not to work any more or she would be blind, and she stopped her from working. Another thing, the children have not any time to study. They fall behind in their class work, they become discouraged, and eventually they are unwilling to attend school. The father on finding his family earning the money takes

it easy, it leads the children to deceit and he leads them to deceive and lie at home, and the deceits practiced and the untruths told to cover up the children working illegally, would cover pages.

I found that in 108th street and 109th street almost every tenement has work brought into the homes, and in some instances, whole families, from the father down to the child who can hold a feather work.

I know of cases where girls in need of clothes and finery have remained home to work. They earn the money to supply the articles, maybe shoes or any other article, then they return to school.

Another case where the stepfather refuses to support the child, the child works at feathers and supports herself when absent and after school hours, and when she is forced to come to school by the truant officer she works after school hours.

There are innumerable cases of children working after school hours in the homes. I find the following industries in the homes:

Tying feathers, making artificial feathers, making crocheted buttons, covering molds for dresses, crocheting slippers, sewing on buttons, making button holes, beading slippers, making underwear.

These came under my notice:

Assunta Verdolina, reported to the truant officer, and when he called she was working on feathers and she hid under the bed, and the father denied that he had such a child.

Q. How old was she? A. She was under the legal age. I judge about twelve, eleven or thirteen, something along there. Then here is the Franconi family, the whole family working at feathers. Annic, one of the younger girls seldom in school, only when forced in by the truant officer.

Here is a case of Mrs. Luigi,— East 109th street. Top floor. There was measles in that family and work was taken in and the children were working. She had four children there. The place was so filthy that the board of health came there and cleaned the place up.

Here is another family where there is a child six years old,

one eight years old, and one eleven years old. The father is a cripple and they all work at feathers.

In another case that came under my notice this afternoon, the child was absent. Her mother came to school and reported that she was sick. We heard for a fact that the child was home working at feathers.

In the 181 cases reported for absentees, in the majority of those cases the girls are working at home, and this working at home is causing the truancy in the schools. There are a few of these cases which have reasonable excuses and could be excused.

It would be a good idea if attached to the school in the district or where these conditions are, an inspector be appointed, some person that would go and get these children working red handed and take them right out.

Q. Well, you have truant officers for that purpose, haven't you?
A. Well, but he can't force them in. They are in one day and out the next.

By Assemblyman Jackson:

Q. Isn't there a penalty on the parents for failure to keep the children in school? A. Well, they bring them to court, I believe, but they are not fined.

Q. In your opinion is it because they need this money very badly or do they use it just for fineries? A. I think in the majority of cases they need it, but there are some cases where it is greed.

Q. You do not think there would be any bad effect from the absolute prohibition of this work in the homes? A. That I cannot tell. I do not know. I do not visit the homes.

Q. Don't you think it is unhealthy for the children? A. I dare say it is.

By Mr. SHIENTAG:

Q. You think it is absolutely essential to prevent the employment of these young children? A. I do.

Q. And if it is not practical to do it in any other way, then you favor the prohibition of this home work altogether? A. I certainly would, where the children suffer. They do not have time for any education and they become illiterate.

Miss MARY F. MCGUIRE was then called and examined as follows:

By Mr. SHIENTAG:

Q. Are you a principal in the public schools of New York city?

A. I am principal of Public School No. 3.

Q. Where is that? A. In Hudson street.

Q. How long have you been principal of that school? A. Not quite a year.

Q. And before that time? A. I was principal of the little school in Downing street, the same neighborhood.

Q. Have you made any study or given any attention to the home work of children and the effect of that home work on their school attendance? A. Yes, I have.

Q. Officially? A. Yes, I have for quite a time.

Q. We will be glad to hear the results of your observations.
A. Of course, there really is home work going on in practically all the homes, especially Italian children, often from the little ones two years up. I am told in the flower trade the little ones two years old can pull off the petals that are put together on the flowers, and children have stayed up, possibly not every night, but they do sit up late at night, and it is affecting their work, their school work. They really can't excel in their school work because they have not the power, the power is stamped from them. Then we rarely keep the older children, we lose them about the sixth year because they become so used to the work in the home that they prefer to go out and work in the stores as soon as the law will allow them. It is quite difficult to keep up the efficiency of the children on account of this lack of power, we will say, or lack of strength that they have. I do not really think they compare with the children in the better neighborhoods who are better cared for.

Q. Is this because of the home work, do you think? A. I think in many cases it must be because of the home work. I have one special case just now of a little girl of the age of fourteen. She has been kept out by her parents to make clothes, the very subject of clothes which came up before, and she was working on one of these little dresses when the truant officer called and found her. He found her there under miserable conditions. The place full

of smoke and hardly any air for the child to breathe. He brought her back to school and I suppose we will keep her until the law really lets her go out from school.

Q. Of course the truant officer can not prevent any work after 3 o'clock? A. No, of course not. Children do work after 3 o'clock. I think the school officer who sees a great deal of that sees most of them working after 3 o'clock. In some cases of course the parents claim it is better for the children to be working than to be in the street among all sorts of evils. Of course, that is a point of view. I feel with the other ladies who spoke, that the home work ought to be stamped out. It can not be regulated because the factory work is not regulated as it should be. We are continually finding children working in the factory even with the greater protection.

Q. You mean illegally employed? A. Yes, illegally employed. Of course we take steps and get them back in the school, and still you see they are slipping out.

Q. What would you say of the hardship on some of the people who are depending on this home work for a livelihood to a large degree? A. To some it would be a hardship, to others I think there is a desire to make money, you will find the mother and father both at work and the children also, but of course it would be a hardship in some cases. There is no doubt about that.

Further hearing was thereupon adjourned until December 6, 1912, at 10:30 A. M. in the room of Special Term, Part VII, Supreme Court, County Court House.

HEARING OF THE NEW YORK STATE FACTORY INVESTIGATING COMMISSION, HELD IN THE COUNTY COURT HOUSE, AT THE ROOM OF SPECIAL TERM, PART VII, DECEMBER 6, 1912, AT 10:30 A. M.

NEW YORK, *December 6, 1912*

Mr. ELKUS: Mr. Chairman, I am ready to proceed.

The CHAIRMAN: Before we begin, Mr. Elkus, I just want to say that the chair and, I suppose, counsel, have received a complaint, or rather a criticism, on the disclosures made with reference to the work in tenement houses. The criticism is that we have permitted the so-called social workers to give their story and that some of it is exaggerated, and that we have not given the same opportunity to the manufacturers who are concerned in this matter, and who have given out this work to the tenement house workers. Of course the manufacturers know better; but I think the public ought to know that these hearings are not one sided; that we are hearing those who have made these investigations, and we notified any and all manufacturers who are at all affected by the testimony to come before us, and either tell their side of the story, or to disprove any allegations that are made before this Commission. This hearing is open to all, and it is not a one-sided affair. I want the public to understand that, that all manufacturers, as well as all others who are interested in this work, are invited to come before us and will be heard.

Mr. ELKUS: Mr. Chairman, may I supplement with a word, what you have said, and remind the Commission that yesterday we had three or four manufacturers themselves, who testified to their knowledge of the conditions as to manufacturing in the homes; but in addition to that the counsel in the name of the Commission has taken particular pains to notify everybody in writing of these hearings and to ask for their appearance; and we will have to-day one or two manufacturers, or their representatives, before us. Yesterday we had, I think, four or five manufacturers who testified, and in every instance they said that

unless manufacturing in the homes could be regulated as it is in the factories, it ought to be abolished. I think that was so, that every one of them said that. None of them came to defend the practice, and I believe it is a case of where most of the manufacturers would welcome a law which would prohibit it, because then they would not have to compete with other manufacturers who did this sort of work.

To-day, Mr. Chairman, we have a sort of general day, considering a number of subjects. We have the child labor question; we have the question of safety, prevention of accidents, and we have the question of lighting and illumination, and all subjects which anybody desires to discuss, so that no one shall be cut off from a full and free hearing.*

With your permission, as the first witness, I will call Mr. Louis Marks.

The CHAIRMAN: I want to say that no one thus far has been cut off without a full and fair hearing.

Mr. ELKUS: No, sir. Mr. Louis B. Marks is an electrical engineer who has been kind enough to give us his very able services in this work, and he represents two associations for whom he will speak.

Mr. LOUIS B. MARKS:

Mr. ELKUS: Will you give your full name to the stenographer?

Mr. MARKS: Louis B. Marks.

Mr. ELKUS: Will you, for the record, state your occupation?

Mr. MARKS: Illuminating engineer.

Mr. ELKUS: You are a graduate of what institutions?

Mr. MARKS: Cornell University.

Mr. ELKUS: And have what degree?

Mr. MARKS: Degree of electrical and mechanical engineer.

Mr. ELKUS: Have you made a specialty of lighting in factories?

* The tentative bills referred to are at the end of this volume.

Mr. MARKS: I have made a specialty of lighting in factories for some twenty years.

Mr. ELKUS: Of what societies are you a member, or do you represent here?

Mr. MARKS: I am a member of numerous technical societies and I represent here the Electrical Engineering Society and the American Museum of Safety in matters that relate to lighting.

Mr. ELKUS: Will you proceed, Mr. Marks, and be kind enough to give us your views on the subject; you are going to discuss bill No. 18?

Mr. MARKS: Yes. I may preface my remarks this morning by saying that counsel for this Commission requested me to present a report embodying my personal views on the bill proposed bill No. 18. I considered the matter too broad for one individual, even though he be a specialist in lighting, and especially in the lighting of factories to cover it in all of its aspects.

It seemed to me that in considering the subject matter of this bill, the economic, the hygienic, physiological and other aspects of the subject of factory lighting must be taken into consideration. Therefore I laid the subject before the Illuminating Engineers' Society, which is the representative organization in this country that has to do with all questions and things that relate to light and illumination; and the American Museum of Safety, which is concerned particularly in matters of safety and hygiene, not only in lighting, but other phases of work. These societies appointed committees to consider the proposed bill and report to this commission. The committee appointed by the Illuminating Engineering Society consists of representatives not only of the technical features, but of the factories; that is, say, a physiologist, a physicist, an engineer and a representative of a factory.

Mr. SHIENTAG: Will you give us the names of the members of the committee?

Mr. MARKS: I will do that later. The American Museum of Safety is represented by a committee, which consisted of the director and the speaker. Unfortunately this bill was not laid

before these two societies in time to prepare a complete statement setting forth the views of either society. The committee of the Illuminating Engineering Society met only yesterday afternoon, and a statement was hurriedly prepared, embodying their views. This statement will be subject to modification later in detail. The statement follows:

The committee is in full sympathy with the spirit of the proposed bill, and believes that there is urgent need for legislation of the character set forth in this bill. They believe a bill of this general character should be enacted in the interests of safety and ocular hygiene; further that a reasonable application of the basic requirements stipulated in the bill will meet with favor, not only by employees operating machinery, but by factory managers and employers. The bill gives broad powers to the proposed advisory board of the Department of Labor. The committee has not had before it information as to the constitution of this advisory board, or of the method of selection or appointment to membership on the board. The committee suggest that at least one appointee be an illuminating engineer, and that such an appointee be subject to the approval of the Illuminating Engineering Society which is the recognized technical organization that has to do exclusively with the question of light and illumination.

Mr. SHIENTAG: Let me ask your personal opinion on that. You would not want an illuminating engineer to be a permanent member of the board, would you? It would be sufficient if when the board was considering the subject of lighting of factories they called in the engineer as an expert.

Mr. MARKS: That question was discussed, and if the plan is to be successfully carried out, it might be an alternative; but the committees considered that it would be highly desirable to have one member of the board an illuminating engineer, as the question of lighting is of paramount importance in this bill.

It is further suggested that in matters that have to do with light, the advisory board co-operate with the engineering society and receive suggestions from a special committee of the society to be appointed for the purpose. The provisions of the proposed

bill in the present form confer almost unlimited powers on the advisory board, and make no provision for appeal. It is submitted, in the interests of both the employees and the employers, that suitable provision should be made for an appeal from the board.

Mr. SHIENTAG: There is now the right to appeal to the courts from any unreasonable order.

Mr. MARKS: To the courts only.

Mr. SHIENTAG: Would you have a separate board of appeals?

Mr. MARKS: That is a question submitted for consideration. In a good many cases the employer would not go to the courts, unless he was compelled to, and gross injustice might be worked by the decision of the board, if such decision were hastily made, or made without a conference with suitable experts. There is nothing in the bill so far as I know that such experts shall be retained.

Mr. SHIENTAG: There is nothing in this proposed bill, but the bill the Commission now has under consideration, provides for calling in experts on each particular subject the board will deal with.

Mr. MARKS: That would seem to me to meet the situation to a considerable extent.

Referring specifically to the present wording of the proposed bill, the committee calls attention to the following portion:

Page 5, line 15, "All passageways and all moving parts of machinery, where on or about which persons work or pass or move, or pass any materials, and all other portions of the factory as the Commissioner of Labor may require, shall be kept properly and sufficiently lighted during working hours."

It is submitted that in some cases where moving parts of machinery are properly and sufficiently guarded, it may not be necessary to especially light such machinery during working hours. In such cases a lighting outlet, ready for service in case of need, may suffice. Nothing would be gained by compelling the owner to specially light the machinery during working hours. It is therefore suggested that line 15, page 5, be amended to read as

follows: "All passageways, and all moving parts of machinery unless properly and sufficiently guarded," etc.

Mr. SHIENTAG: If they are guarded they need not be lighted.

Mr. MARKS: Yes, the factory manager may be compelled to spend considerable money in lighting well-guarded machinery, which need not be illuminated all day.

Page 6, line 3, "Such lights shall be independent of the motive power of the factory." It is not clear from this reading whether the owner is called upon to operate such light on an independent system, as for example from the lines of the Public Service Company, or in the event the owner has his private plant, whether he is called upon to operate such lights from a storage battery, or must furnish an independent lighting service, as auxiliary gas lamps for example. The committee has not formulated an amendment, but submit the desirability of a more specific statement than that set forth.

On page 6, lines 5 to 19, I consider one of the most important paragraphs of the bill — I won't take time to read it all. The committee holds that in the present state of the science and art of illumination, it would be impracticable to explicitly specify in the language of this paragraph the precise methods of installation, arrangement and use of lights to secure the desired results. It is believed that the language of the act can be made sufficiently broad to give the Commissioner of Labor and the advisory board full power to prescribe reasonable rules for the provision of adequate and sufficient artificial lighting facilities —

Mr. SHIENTAG: Is that not just what this amendment provides?

Mr. MARKS: Well, I will call attention to the change I have suggested, to give the board full power to prescribe rules and regulations to the adequate and sufficient illumination of factories, and also to enforce such rules.

The committee submits the following amended paragraph as a substitute for lines 5 to 9, inclusive, of page 6, which it believes will meet the situation: "All workrooms shall be properly and adequately lighted during working hours. Artificial illuminants in every working-room shall be installed, arranged and used so that

the light furnished will at all times be sufficient and adequate for the work carried on therein, due regard being given to the prevention of strain on the vision and glare in the eyes of the workers. The advisory board to the Department of Labor may, pursuant to the provisions of this chapter, make and from time to time change or modify rules and regulations to provide for adequate and sufficient natural and artificial lighting facilities in all factories."

Referring to page 6 of the bill, it will be noted that the amendment suggested by the committee, though narrowing the specific directions contained in the clause, does not narrow the scope of the bill.

Referring to lines 15 to 19 of the bill, it is submitted that while these lines beginning with the words "to govern" are omitted from the amended paragraph suggested by the committee, neither the scope of the bill nor the power vested in the Commissioner of Labor to prescribe reasonable rules is narrowed by such omissions.

The committee tenders its services to the Commission and is prepared to co-operate in all matters that have to do with factory lighting legislation.

There are two other points that the committee did not consider, that I may allude to briefly. One is that if this law goes into effect, it may work a hardship upon the factory owners if they are not permitted to remodel their installations gradually. That is to say, they should be given the opportunity to do those things which are most important, and not to conform strictly with the wording of the act until such time as they are prepared to make the changes suggested.

The second point is that the present bill gives the Commissioner power to modify rules from time to time. I ask what is the status of the factory manager or owner who has complied with the rules set forth in the bill. If these rules are modified from time to time, will he be compelled to remodel his installation to conform to the rules?

Mr. ELKUS: Isn't it the same case with the Board of Health of New York city? They make rules from time to time which are supposed to govern plumbing in buildings, and they modify them after a year or two and the people have to change their plumbing.

Mr. MARKS: Do they?

Mr. ELKUS: They do that. Of course the idea is this, that the advisory board will not be unreasonable and will take into regard the work that has been done; in all probability they would not interfere with work that had been done, but the new rules would apply to future work; however it would be improper to bind the advisory board, by saying that in no case shall they interfere with work already done.

Mr. MARKS: In conclusion I may add that both the Illuminating Engineering Society and the American Museum of Safety are prepared at any time to co-operate with the Commission in the formulation of amendments of clauses of this bill, and to take up with them questions that relate to the technical side of lighting matters.

The CHAIRMAN: Thank you very much for your very kind services.

ALFRED J. TALLEY was introduced to the Commission.

Mr. TALLEY: I represent the Confectioners' Association for the State of New York. I would like to make a statement with the permission of the Commission.

I am going to refresh the recollection of the Commission and counsel regarding a memorandum issued by the Governor and filed at the time he signed what we know as the Fifty-four Hour Bill. The Governor said: "It seems eminently desirable that New York State with its vast industries employing 1,400,000 factory operators keep up with other States that have adopted laws reducing the hours of labor." He said, "It is true that various so-called seasonable industries are required, from the nature of their produce, to accomplish an extraordinary amount of work during certain parts of the year. This is notably so in the canning, candy and textile industries. In this respect the bill contains defects which should be remedied. If it is wise to exempt one industry from its limitations, it is only fair to similar industries operated under special conditions, with seasonable periods of extreme pressure, that some latitude should be accorded. In recent years there has been great improvement in the surroundings of factory

operators. These improvements make for better health and better conditions of light and air. Factories are now well ventilated in the warm season and adequately heated in the cold weather, so that the factory room is even often as comfortable as the home of the operators."

Possibly the findings of this Commission may not be in entire accord with that, but I think the sentiment indicates at least the progress that is being made in factory conditions generally, especially as distinguished from working conditions in tenement-houses, such as were brought to the attention of the Commission yesterday.

The Governor further said: "The desire on the part of the employees to work a greater number of hours per day for the purpose of earning a greater income, should under proper restriction, receive careful consideration. While this measure will undoubtedly require readjustment in conditions, it is a step in the right direction, and I therefore approve the bill with the hope that a future session of the Legislature will make the improvements suggested herein."

Now, my purpose in coming before this Commission this morning on behalf of the candy manufacturers of the State is this, that we believe that this commission should recommend to the next Legislature, amendments to the present Fifty-four Hour bill which will be in accord with the suggestion and recommendations made by the Governor when he signed the Fifty-four Hour bill, and which shall be in accord with the best interests, not only of the working people of the State, but this vast industry in the State of New York, the candy industry.

Now, what we want, and I will be as brief as possible, what we request this commission to take into consideration is this, that in the candy manufacturing business there are two seasons of what the Governor has designated as extreme pressure; that is the Christmas season and the Easter season, when for the average candy factory, under the present law at least, it is a practical impossibility to turn out the work that is required.

Now, let me say in passing that the business men of this State regard as highly important that not only the welfare of the workers be considered, but the business enterprise of the State of New York be taken into consideration and that latter proposition

has been forceably brought to the attention of the people recently by the activity of the Merchants' Association in endeavoring to double its membership for the purpose of encouraging trade conditions in the State of New York, so that the trade which normally belongs here shall not be diverted to others; and if in the candy business, people engaged in this line in other states who come to New York for their product are unable to receive it, they will take their trade away from the State of New York and give it to other states where this work can be produced in greater volume possibly at a reduced price.

Mr. ELKUS: Mr. Talley, may I ask you a question to put your suggestion into practical form; what exemption do you want to claim?

Mr. TALLEY: I am just about to come to that. We want an exemption for the candy manufacturers of ten hours per week additional overtime work during the period running approximately from September 15th to December 15th to meet the Christmas demands in the candy business, and a period of approximately sixty days, the same period of work around the Easter time—that is overtime work.

Mr. ELKUS: That is for four months of the year?

Mr. TALLEY: Approximately four months of the year.

Mr. ELKUS: You mean you want the privilege of working sixty-four hours?

Mr. TALLEY: We want the privilege of working 64 hours, the work to be done only by volunteers, and the overtime work to be paid for. That is what I ask this commission to recommend.

Mr. ELKUS: You know before the Fifty-four Hour Law was enacted we had a Sixty-hour Law?

Mr. TALLEY: I am aware of that, yes; but I think there was a provision in which overtime work could be done, even with sixty hours; certainly with adult women.

Mr. ELKUS: Not to exceed sixty hours a week.

Mr. TALLEY: The adult woman was under no restrictions; the adult woman now is restricted to 54 hours.

Mr. ELKUS: Sixty hours she was restricted under the old law.

Mr. TALLEY: Yes; I was thinking of the present law, she is restricted to fifty-four hours.

Mr. ELKUS: You are not in favor, and your association I mean by that, is not in favor of unrestricted hours of labor for any period.

Mr. TALLEY: It is not.

Mr. ELKUS: You do not claim like the canners do an unrestricted permission to work as long as they please.

Mr. TALLEY: I am not in sympathy with that at all. Now, on the question of overtime work, the statement of counsel and the chairman of the Commission at the beginning of this proceeding as to work in tenement houses, suggests this: If this overtime work is permitted in the factories, where the Labor Department can properly supervise it, the work done in tenement houses will be diminished to just that extent. And certainly I believe this Commission will find that if overtime work is to be done, and it will be done where the demand is great enough for it, and I fear no legislation can absolutely prohibit the character of work which was indicated to this Commission yesterday — if it is not done in the factories, it will be done in the homes. If it is done in the factories, it can be done under proper and reasonable regulations by the Labor Department. If this extension of time or exemption, is granted to the candy manufacturers, it can all be done under the requirements of the Labor Department.

Mr. ELKUS: How many manufacturers are there, how many candy manufacturers are there?

Mr. TALLEY: Why, in the State of New York there are considerably more than a hundred.

Mr. ELKUS: How many women employees are there?

Mr. TALLEY: I could not give you the number, we have never calculated the precise number.

Mr. ELKUS: I just want to find out how many people it will affect.

Mr. TALLEY: I will be glad to furnish you with this. I will do so with pleasure. On the matter of overtime work the character of our business is such that at least 70 or 75 per cent. of the women employees are seated during the entire day, and of course during this additional overtime work that is required. Now the suggestion might readily be made upon our statement to you that if we cannot turn out our work during this rush season of the year, we might get more employees. I call the attention of this Commission to any of the Sunday papers and ask them to examine the number of advertisements that are inserted for female help generally, and especially for female help in candy factories. If the law limits the hours of labor that women must do in candy factories, it limits the hours of labor that men must do, because the character of the making and packing of the dainty candies is such that it can only be done by women. If we have not got the women to pack and wrap the candies it makes no difference how much work our men could do, we have not got the women there to complete the job, so that our labor is curtailed in that respect. We have the same difficulty in getting female help in factories that these ladies find in getting domestic help in their homes. It is impossible for the supply to meet the demand.

Mr. ELKUS: Has not the wage question something to do with it?

Mr. TALLEY: Not as much as the working in a factory has to do with it. Girls do not want to work in factories now; they prefer to work in the offices; they prefer to work for the telephone company; they prefer employment of that kind.

Mr. ELKUS: Limitation of hours would not have anything to do with that?

Mr. TALLEY: I think limitation of hours would have a great deal to do with it. We forget the extra work that is required.

Mr. ELKUS: Out of the same women?

Mr. TALLEY: Out of the same women. If you will allow me to call your attention to just one advertising column in one paper, here is Repetti advertising — this is The World of November 24th — “Wages \$12 a week for chocolate dippers.” Here is Alegretti advertising for female labor; there are eleven different firms in this city advertising for female labor in candy factories.

Now, if the Governor’s memorandum was based upon the recommendations of those who know, it should receive some consideration from this Commission. He mentioned the canning, the candy and the textile industries. I believe that the seasonable character of our product and the fact that there are two seasons or times in the year when you can take judicial notice of the fact that there is a tremendous rush in the candy business make our application a very reasonable one.

If there is any further information that you desire, such as counsel has indicated, I will be glad to furnish it to the Commission in a memorandum.

Mr. ELKUS: Give me the number of candy manufacturers in the State, the number of female employees, and the number of male employees?

Mr. TALLEY: Yes, sir.

Commissioner DREIER: Do you employ all the women throughout the season, throughout the year, or do you have to put on a special force during the busy seasons?

Mr. TALLEY: During the busy season as a whole we are in need of more employees, but at the times we need women employees, practically all other business requires them in one way or another, and we cannot get them. One manufacturer, in the course of less than two months, during the Christmas season alone, had 300 advertisements in the New York city papers for female help, and then could not get them during that time.

Commissioner DREIER: What I mean is, do you lay off in the dull season any of the employees you have during the year?

Mr. TALLEY: I presume that during the dull season the help is diminished in our line the same as in any other.

Commissioner DREIER: Isn't it possible to keep the candy by cold storage?

Mr. TALLEY: Not for any considerable length of time. No candy that has cream in, as the greater part of the product has, can be kept for any length of time; and it is impossible in our business to make the product for a sufficiently long period of time to enable us to prepare in the dull season for the rush, which commences when the Christmas season begins. It is impossible in the candy trade, during the dull months of summer, to prepare the product for the holiday season. People would not eat the candy; it would not be palatable, even if it were good. In other words, candy must be fresh to be attractive to the consumers.

Commissioner DREIER: More fresh than meat or eggs or anything like that?

Mr. TALLEY: I am inclined to think, under our scientific processes, we can keep meat and eggs better than we can keep milk or cream, and cream being a necessary ingredient of candy does not stand cold storage as well as the commodity you mention.

Commissioner DREIER: Do you export any candies?

Mr. TALLEY: Practically none that I am aware of. I would not wish to state that as an authority on that subject, I do not know.

Commissioner DREIER: I remember, in the case of a candy company in England, they exported to Australia. It must take a long time to get there.

Mr. TALLEY: Possibly so, but I doubt very much if they export any of the candies that contain any cream in them. There are some substances of hard material that can keep indefinitely — cough drops, matters of that kind I assume, can be kept for a considerable time. But the kind of candy that is sold largely during the holiday season, the chocolates and cream candy, cannot be made sufficiently in advance.

Commissioner JACKSON: You seem to bring out the point that allowed overtime work will reduce the work in tenement houses; what particular line of work do you refer to?

Mr. TALLEY: I was speaking of the general proposition. Our particular work is not affected by the work in the tenement houses, because candy cannot be made in tenement houses. I make this point, that if this work that you find has been done in tenement houses, could be done in factories, it could be done under the supervision of the Labor Department. In other words, your Labor Department can reach the factory where it cannot reach the tenement houses, as I understand it.

Commissioner JACKSON: You contend that the reduction of hours in factories is going to extend the work in tenement houses.

Mr. TALLEY: I do contend that, and that is my opinion; that if you curtail the hours of work in factories, that while work has got to be produced, it will be done by these people in tenement houses. Our experience has been that the people working in factories, if they are paid for overtime, are generally more willing to do it than they are unwilling to do it, and that if they cannot do the overtime and have the increase of compensation in the factory, they are going to do it by working in the tenements.

Commissioner JACKSON: There is no ingredient of the candy trade that could be called a tenement house industry, except nut picking is there?

Mr. TALLEY: I would not even call the nut picking industry work that could be done in tenement houses, or is done.

Mr. ELKUS: It was so testified here yesterday.

Mr. TALLEY: Well, possibly. Our trade as such is not affected by tenement house conditions.

Commissioner JACKSON: Some of the best candy manufacturers in the city have their nuts picked in tenement houses, the testimony shows that.

Commissioner DREIER: Have you ever tried increasing the wages during the rush season? May the low wage be a possible reason for not getting enough employees?

Mr. TALLEY: I do not think so; at the prevailing wage it is impossible to get them.

Mr. ELKUS: How do you pay, by the piece or the week?

Mr. TALLEY: Generally by the week.

Mr. ELKUS: How much do they get, the women?

Mr. TALLEY: Judging by the advertisements appearing last Sunday, the average salary would run around \$12 a week.

Mr. ELKUS: That is for Christmas time; what do they get during the rest of the year?

Mr. TALLEY: The same amount, I think.

Commissioner JACKSON: Is that a fact, when an applicant goes to the office, the factory, she can get \$12 a week?

Mr. TALLEY: I assume it is a fact if a concern such as is mentioned in this advertisement will say "Chocolate dippers, experienced, wages \$12 a week, steady work," I assume that if they go to the factory, the name of which appears in this advertisement, they can get \$12 a week, if they will work as a chocolate dipper.

Commissioner DREIER: Chocolate dipping is rather skilled work, isn't it.

Mr. ELKUS: Yes; it is very skilled work.

Commissioner JACKSON: The highest grade work of the candy business, isn't it?

Mr. TALLEY: It probably requires the most expert handling by a woman.

Commissioner JACKSON: You don't know that that wage is substantially correct?

Mr. TALLEY: I only know as to that particular wage, what I have read to you from this advertisement.

Commissioner DREIER: Do you think it is likely that New York pays higher wages than Massachusetts for candy manufacturing?

Mr. TALLEY: I am inclined to think we do pay a higher wage here than in Massachusetts.

Mr. ELKUS: We make better candies here?

Mr. TALLEY: We sell more candies here. Probably one fact is dependent upon the other; we sell more and make more because we make better candies.

Mr. ELKUS: Mr. Chairman, I would like, if the Commission will permit, to invite Mr. Talley to remain if he will. Miss Josephine Goldmark, who has worked this subject up from the other side wants to be heard, and Mr. Talley may want to ask her some questions.

Mr. ELKUS: In the meantime I will present to the Commission a statement of the Kisch Manufacturing Company, which they ask to be filed and made a part of the record.

(The following is such statement.)

"We would respectfully submit the proposition to amend the present Labor Law with reference to issuing permits to certain classes of manufacturers in the Cutting-Up Trade, such as Ladies' Neckwear, Millinery, Feather Novelties, etc., etc., which will allow their working forces to work nine (9) hours a week overtime and to be divided in three or four sections, during the time when the pressure of business is extremely excessive.

"These periods occur yearly — four or five weeks before Easter as well as four or five weeks before Christmas. The Trade demands to complete this perishable and high class novelty which is only made to order as promptly as possible — within the specified period given — as all unfilled orders are subject to be thrown on the hands of the manufacturer, which means heavy losses to be incurred by them. Most of these articles manufactured are only good for one season. The skilled laborer does not obtain work in these factories for more than eight months of the year. The harvest time for this special class of workmanship are just prior to the Holiday Seasons.

"In our long experience of 45 years, we have found that the help hired have been perfectly willing to earn as much money during this pressure of business as would compensate them for the periods of idleness.

"The Labor Bureau should use their discretion relative to the

issuing of permits only to such establishments that are complying in every respect with the Health and Safety Laws now enforced.

"The present Labor Law put into effect on the 1st of October is not strictly enforced, as by our personal observation we have found a great many factories wide open as late as nine and ten o'clock.

"We will admit that the present force of inspectors may not be large enough to cope with all Law Breakers, and that it only requires to find out who these transgressors are.

"Respectfully submitted,

"KISCH MFG. CO.,

"12 E. 22d St., N. Y. C.

"(Signed) J. Kisch, President."

JOSEPHINE GOLDMARK, called as a witness, testified as follows:

Examined by Mr. ELKUS:

Q. Go right ahead, Miss Goldmark.

A. I should like to bring briefly to the attention of the Commission, three important points; first, dealing with the bill which provides for the prohibition of night work by women in manufacturing, one of the proposed bills before the Commission.

Q. Bill No. 15? A. The three points which are important which I wish to bring to your attention are the following: First, the necessity of this bill to provide an adequate period of rest at night; secondly, the importance of this bill to aid the enforcement of a 10-hour law, or any law providing a limitation of hours by days; and third, the Constitutional question which is involved, in view of the decision by the Court of Appeals of New York State in regard to the constitutionality of a provision of law prohibiting night work by women.

In regard to the first point, the importance of providing an adequate period of rest at night, there have been exhaustive investigations, and we have an abundance of evidence in regard to the physical, economic and social conditions which make this law essential.

It was only six years ago that there was held what might be called an epoch making convention in the city of Berne, Switzerland, at which the representatives of fourteen European governments made and signed what has become famous as the International Convention on Night Work for Women. This convention bound the contracting states to prohibit the industrial night work of women without distinction of age. A minimum period of eleven consecutive hours was set for night rest, to include in all cases the period between 10 o'clock at night and 5 o'clock in the morning. This was in 1906.

By January, 1910, all the contracting states had ratified this agreement with the exception of Denmark and Spain, which had bills pending to ratify it last spring.

On the physical side, there is certainly little need of evidence to prove that sleep is so essential not only to health, but life itself, that a man could go more easily without food than without sleep; and scientific experiment proves that, for instance, in experimenting upon animals, that they could live for twenty days without food and did not die of starvation, and could be recalled to health by proper food; but after an interval of four or five days without sleep, they could not be restored to health and died.

It would of course be an absurdity to say that women who work at night have no sleep. They could not live if they had none, but their sleep is much cut down. Where they are working on night shifts, and on late overtime shifts, such as were shown in the investigation of the canneries in this State, their health is seriously impaired by the loss of sleep entailed by working until 12 to 1 o'clock at night.

As the investigators showed in preparing for the International Treaty, sleep in the daytime has not the same restoring power, for reasons not understood very thoroughly by physiologists, as sleep at night has. Moreover, it does not need much experience to tell us that women have not got sufficient rest and privacy to secure sleep in the daytime, if they are deprived of it by evening overtime or work on all night shifts.

In regard to the closing hour as an aid in the enforcement of the law, it is clear that when inspectors find women at work at

a late hour in the evening they cannot tell the total duration of hours that the women have been working. Unless they remain on the premises all day long they cannot tell how long the work has been going on. But when there is a fixed hour in the evening and an hour in the morning after and before which the work is prohibited, we have an automatic method of checking the hours worked during the day; because the presence of employees on the premises after 10 o'clock at night, as this bill proposes, is illegal.

Commissioner JACKSON: Miss Goldmark, you think that the Fifty-four Hour Law should be operated precisely as the Child Labor Law, that they shall not work before or after certain hours?

Miss GOLDMARK: The only difference to my mind is, as this bill proposes, that the hour at night to which women are allowed to work is later than that to which children are allowed to work.

Mr. ELKUS: Before 6 o'clock in the morning and after 10 o'clock at night; that is the proposed bill?

Miss GOLDMARK: Yes.

Commissioner JACKSON: Of course that would mean fifty-four hours a week?

Mr. ELKUS: But then it goes on to say: "But not more than six days or fifty-four hours in any one week." Miss Goldmark's point is that there is no way of proving the violation. This proposed bill, No. 15, is approved by you, is it, Miss Goldmark?

Miss GOLDMARK: Yes; I think it is well drawn. Now, we need not go far for examples of the prohibition of night work. As a matter of fact the United States could not take part in an international convention on night work, because our Federal government of course can not bind our individual states to labor legislation; but we have only to go to our neighbor Massachusetts.

In that state, since the year 1890, over twenty years, there has been in effect precisely the law we are asking for here. In 1890 it was found difficult to enforce the ten-hour day, and it was found so undesirable to have women working at night that the

closing and opening hours were stated in the law. Massachusetts has gone farther than that. The first closing hour included all women engaged in manufacturing, and it was found that even that was not a sufficient safeguard. And in the year 1907, after seventeen years of continuous agitation by the labor unions and people interested in labor legislation, and in the protection of women, Massachusetts took the further step and copied even more closely the earlier legislation of England, and prohibited all employment of women in the textile trade, its greatest manufacture, after 6 o'clock in the evening, and so now it is illegal for a woman to be employed before 6 in the morning or after 6 in the evening in the great textile manufactories.

In regard to the difficulty of having such a law stand in this State, we think that that should not stand in the way of this Commission proposing such legislation for the following reasons: The Williams' decision, which overthrew the previous nightwork prohibition in this State, was handed down in the year 1907. The reasoning in that case followed very closely the reasoning in a decision which had been handed down two years previously by the United States Supreme Court itself in the well-known *Lochner* or *Baker* decision. This decision overthrew the Bake-shop Law of New York which had restricted to sixty hours a week the work of adult men in bakeries. The Supreme Court of the United States said that was unconstitutional, because it interfered with the freedom of contract guaranteed under the Federal Constitution.

Since the Williams' decision of our New York Court of Appeals was handed down, it is noteworthy that the Federal Supreme Court itself has overruled the decision in the *Lochner*, or bake-shop case, so far as women are concerned, and in the Oregon decision handed down three years later, in 1908, it established for all time the right of the individual states to protect the public health and welfare by limiting women's hours of labor.

We submit now that if the New York Court of Appeals had the benefit of the reasoning of the Federal Supreme Court in that later Oregon decision, if the New York Court of Appeals had presented to it this mass of evidence which is the world's experience in dealing with this problem, the New York Court of Appeals

itself might modify its ruling, and uphold such a limitation of hours. I say this not only as my own opinion, or the opinion of the society for which I speak, but the matter was brought out openly in court in that case to which Mr. Talley referred a few minutes ago, last Saturday in Brooklyn, before Justice Blackmar, sitting in the Supreme Court in Kings county. The district attorney brought up this specific point, and made the plea, not only that the Fifty-four Hour Law was constitutional, and that the Legislature last year had a perfect right to exempt one industry, if it then appear to the Legislature fair, or at least not too unreasonable to exempt it, but he brought out further the fact that if the Court of Appeals had had the benefit of this later and final decision of the United States Supreme Court in regard to the Ten-Hour Law for women, that it might have changed its ruling in regard to night work prohibition.

Mr. ELKUS: What became of that case?

Miss GOLDMARK: Which case?

Mr. ELKUS: The Brooklyn one.

Miss GOLDMARK: It is pending. Mr. Justice Blackmar announced that he would not be able to hand down his decision for several weeks, as he is now sitting in the Appellate Division, and I believe counsel still has two weeks in which to submit additional briefs.

Mr. ELKUS: I want to call your attention to the language of this proposed bill about night work, and ask you whether that language is sufficient to take it out of the Williams case, "to protect the health and morals of the females."

The CHAIRMAN: Miss Goldmark says the court would reverse itself.

Mr. ELKUS: Yes, I know; but we are furnishing the ground why it should. As I remember the Williams' opinion, the court said there was nothing in the bill to show that the purpose of the act was to protect or benefit the health and morals of females.

Miss GOLDMARK: Exactly, they stated that in their opinion, and that is why this brings the bill to them in a somewhat different

form, and raises a different question. They deliberately bring it up now as a measure designed to promote health and morals, so that there may be no question as to its object.

The CHAIRMAN: It is like giving the court an excuse for reversing itself.

Miss GOLDMARK: They may call it what they wish.

The CHAIRMAN: I think with you, they will reverse the decision.

Miss GOLDMARK: The district attorney also brought out the point that the Supreme Courts of four different States have, since the Oregon decision, upheld laws similar to the New York Fifty-four Hour Law, which did exempt the canneries; four States have followed the change.

Mr. ELKUS: Will you take up the exemption that the candy manufacturers ask?

Miss GOLDMARK: In regard to the exemption that the candy manufacturers ask, I think two or three points are of great importance.

In the first place, our neighboring State of Massachusetts is also a great center of the candy industry and has been for a great many years. The printed report of the Massachusetts State Commission on Minimum Wage for Women, which last year exhaustively investigated the candy industry, as well as several others, states that the law regulating hours of labor is observed in the candy industry in Massachusetts, and the most emphatic point brought out in that report is in regard to the very low wages paid in the candy industry.

I am very sorry I did not know Mr. Talley was to speak this morning; I could have brought a copy of that report. Not that we claim that the wages paid here are exactly the same as in Massachusetts, but that report brings out with the greatest emphasis the very large proportion of employees who are paid an incredibly small wage.

Mr. ELKUS: What are the wages here, do you know?

Miss GOLDMARK: The wages here, we are told, according to the advertisements in the newspapers are on an average about \$12 —

Mr. ELKUS: No; Mr. Talley said the wages for chocolate dippers.

Miss GOLDMARK: For chocolate dippers.

Mr. ELKUS: That is according to the advertisements.

Miss GOLDMARK: According to the advertisements. I think it will be no exaggeration to say that the predominating wage is much nearer \$5 than \$12, and the point in regard to the difficulty of obtaining employees may be explained by that fact.

Moreover, in regard to the extreme perishability of this product, the Massachusetts Commission also referred to that, and asserts it is not as perishable as we are ordinarily led to understand; and the fact that the highest grade candies, and of course all the cheap candies, are exported to the other side of the world, to Australia and other countries far removed from here, would go far to prove that they are not as perishable as to necessitate anything like the extreme duration of hours which the candy manufacturers are asking from the Commission.

Mr. ELKUS: What do you know about the exportation of candies?

Miss GOLDMARK: I know only the general statements that are made.

Mr. TALLEY: By whom, Miss Goldmark?

Miss GOLDMARK: This was brought up in the report of the Massachusetts Commission, and it was also brought out in the hearings last year before the Legislative Committee which passed the Fifty-four Hour Law.

Mr. TALLEY: Have you any knowledge as to the New York exportations?

Miss GOLDMARK: No, I have no figures.

Mr. TALLEY: You have no report before you as to conditions, working conditions and wages applying to New York State?

Miss GOLDMARK: I have not the exact figures, but I understand they are readily available, in showing the \$5 predominating wage for the unskilled, not the chocolate dippers.

Mr. ELKUS: You have several manufacturers here, haven't you, Mr. Talley?

Mr. TALLEY: There is one manufacturer here.

Mr. ELKUS: Probably he could tell us?

Mr. TALLEY: I think it would be better to let me present the actual figures at a subsequent hearing.

Miss GOLDMARK: If the Commission wishes, I will be very glad to file, as a part of my evidence, this small volume *Fatigue and Efficiency*, which contains a chapter on the prohibition of night work, and its history abroad and in this country.

Mr. ELKUS: We don't want the volume put in, but only the chapter.

Miss GOLDMARK: Yes.

Mr. ELKUS: All right. Is there anything else you want to tell us?

Miss GOLDMARK: I think not.

The CHAIRMAN: In the course of our investigation this year, we went to one factory which employed two shifts, women at night and women in the day time, and our criticism of night work got into the public press. A response was published by a man whom I credited with being the most influential member of the directors that conduct this business, in which he said they were compelled to require this night work of women because of the uncertain attitude of the government toward investments, and for that reason the directors were not satisfied to extend their plants because, as I say, of the uncertainty of the attitude of the government toward corporate interests. What do you think of that explanation?

Miss GOLDMARK: I should not think that it could hold. There is another solution besides extending plants, though as to the gov-

ernment's attitude in regard to that, I am not prepared to speak; but the other alternative is to have men work at night, and that is a solution which has been put in effect in many cases where night work of women has been prohibited. It has been considered very seriously in a trade where women in this State work regularly at night where men do even now the same kind of work as women do; I mean in book binderies. Men work at the folding and wire stitching and gathering machines, and it would not be at all a revolutionary adjustment if the employment of women at night were replaced by the employment of men in those occupations. It seems to me that would also be an answer in regard to the establishment of which you speak.

Mr. ELKUS: Mr. Chairman, I understood that gentleman to whom you referred said one of the reasons they employed women at night was to make this country a better place for his children to live in, if we refer to the same gentleman?

The CHAIRMAN: I refer to the same gentleman. He was opposed to women working at night; I don't know whether he meant his own factory or other factories. As a matter of fact, we know they work there at night time, and that was given as his reason. I wanted to get Miss Goldmark's views; she knows a good deal more about the subject than I do.

Commissioner DREIER: Do you think we ought to extend this prohibition of night work to women in mercantile establishments and other places, like offices?

Miss GOLDMARK: Why, I should not think there would be the least doubt about it, as a matter of principle. Why should women be employed in mercantile establishments beyond the late hour of ten at night?

This factory bill is a moderate bill; the reasonableness of this bill is perfectly clear, and the other is possibly more open to question and will have to wait.

In the State of Nebraska, the prohibition of night work includes women in stores. At present in this State the prohibition of night work includes only women up to 21 years, and as Mr. Gernon brought out the other day, the difficulty of enforcing the

law (which includes women only up to 21) is to tell whether or not they are 21.

(The following is the chapter on night work in the book referred to by Miss Goldmark in her testimony: "Fatigue and Efficiency, by Josephine Goldmark.")

"CHAPTER TEN.

"PROHIBITION OF WOMEN'S NIGHT WORK; A PRIME NECESSITY.

"1. THE INTERNATIONAL CONVENTION OF NIGHT WORK.

"As we have seen in June, 1907, the New York Court of Appeals by a unanimous decision struck from the statute books of New York the law against women's night work, one of the four state laws on the subject at that date existent. Just eight months before, in Berne, Switzerland, there had been held a memorable meeting, attended by official delegates from 14 European Nations. This was the result of a quarter century's effort, a new move in labor legislation: An International Convention of the Powers. The subject of the treaty chosen according to Prof. Raoul Jay, as one of the most urgent, most important, and most easily solved of labor problems, was the abolition of women's night work.

"These official acts falling within the same 12 months at opposite poles from one another are significant of the diametrically opposed mental attitudes prevalent in the United States and in Europe, towards the same phenomena.

"Yet the employment of women at night is not one of the subjects legitimately differentiated in a democracy and under other forms of government. As we have trod the same path as our elder kin abroad in other legislation as regards reducing of the work day, we shall sooner or later find ourselves obliged to follow their action in regard to the employment of women at night.

"But whereas abroad the prohibition of an international convention forbids women's night work in industry. The commission recommended also that a memorial be sent to all the Powers, setting forth the reasons for desiring such an international convention, which should assure to women who work out-

side of their own homes an unbroken period of 12 hours' rest at night, certain trades and processes being exempted.

"Both of these recommendations were carried out. In response to the invitation of the Swiss Federal Council there assembled at Berne, Sept. 26th, 1906, representatives of 14 European Powers: Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain, Italy, Luxemburg, Portugal, Spain, Sweden, Switzerland, and the Netherlands.

"An international agreement was submitted to the Conference. It bound the contractual states to prohibit the industrial night work of women without distinction of age. The agreement applied to all industrial establishments employing more than 10 persons. A minimum period of 11 consecutive hours was set for the duration of the night rest, to include the time between 10 P. M. and 5 A. M. in all cases. In states where such legislation had not previously existed, the period of uninterrupted night rest might be temporarily reduced to ten instead of eleven hours, during a period of three years.

"Only two exceptions permitting night work were provided. First, in case of 'force majeure,' or the interruption of work by causes beyond the employers' control, often known as the 'Act of God'; second, to save raw material or material in course of manufacture, liable to rapid deterioration. No other concessions were made to the seasonal industry, ever insistent for special privilege. They were not exempt from a prohibition of night work. A slight modification in their favor was permission to reduce the length of the night rest from 11 to 10 hours during 60 days in the year.

"The participating states were required to ratify this convention, to file their ratifications with the Swiss Federal Council within a specified time, and to adopt administrative measures for carrying out the terms of the agreement. It was to go into effect two years after ratification.

"By January 14, 1910, all the participating states, excepting Spain and Denmark, had ratified the convention. In accordance with a special article, the French government had notified the Swiss Council that the terms of the agreement were accepted for Algiers and Tunis. Similar notice was given by the British Government for Gibraltar, the Gold coast, North Nigeria,

Uganda, Ceylon, New Zealand, Fiji Islands, Leeward Islands and Trinidad. Comic as it may appear at this date to legislate for the South Seas and for the Africa of romance and adventure, yet bitter experience has taught the wisdom of so legislating before industry is present.

"Moreover, the night work treaty must be regarded as an instrument of value far beyond its own intrinsic worth. It marks a new era in labor legislation. For the first time the Powers have treated on a plane with staples of commercial value, as legitimate subjects of international agreement and treaty, such hitherto neglected assets as the health and welfare of wage earners.

"The effect of the treaty in modifying previous laws may be illustrated by some of the amendments of the German Industrial Code in 1908, 17 years after the first effective German law governing women's hours of labor had been enacted in 1891, following the International Conference of 1890. This first law had copied the British model in prohibiting work at night between specified hours, as well as prohibiting more than a specified number of hours by day. The employment of women was forbidden between 8:30 p. m. and 5:30 a. m. and after 5:30 p. m. on Saturdays and days preceding holidays. By the amendment of December, 1908, among other changes, the period of night rest was lengthened one hour, work being prohibited from 8 p. m. to 6 a. m. and after 5 p. m. on Saturdays. At the termination of the workday, an uninterrupted period of at least 11 hours of rest was required.

"Such are the general provisions. Many exemptions for overtime may be granted, for various reasons and varying lengths of time, by the German Federal Council and by the higher or lower administrative authorities. But the amendment of 1908 reduced the range of many of these exemptions, and required the establishment of a closing hour in cases where it had not previously been required.

"Thus one section of the complex German Code gives special powers to the Federal Council in regard to women's hours of labor. For instance, in industries where there is seasonal pressure of work the Federal Council may grant exemptions 40 times

during the year, but the daily period of work must not exceed 12 hours nor 8 hours on Saturday.

“Previous to 1908 there was no fixed closing hour for such exemptions. The amendment of that year specified that the period of rest following the work day must amount to at least 10 consecutive hours and must include the time between 10 p. m. and 5 a. m.

“Again, in cases of excessive accumulation of work, overtime may be granted by the lower and higher administrative authorities a fixed number of times during the year. Previous to 1908 such overtime was allowed until 10 p. m. and a work day of 13 hours was permitted. The amendment of 1908 limited such overtime to 12 hours in the day, changing the closing hour from 10 to 9 p. m., and required that the daily period of rest must be not less than ten hours.

“2. THE CASE AGAINST NIGHT WORK ABROAD.

“The investigations which preceded the Berne Convention dealt with the physical, economic, and administrative aspects of night work. The employment of women at night was scrutinized by physicians, economists, and specialists in labor enforcement, and was found in the first place unmistakably dangerous to health. For all night work, whether it be carried on regularly in night shifts or irregularly in the evenings, has certain characteristic and unavoidable effects. Of these the most obvious are the loss of sleep and sunlight, and the hygienic argument against night work centres upon the inevitable physiological deficits due to this lack of sleep and sunlight.

“We have seen, in a previous chapter, that during work the chemical products of activity increase. The internal combustion is more active. In the famous experiment of the physiologists Voit and Pettenkofer, a man was shown to expire almost twice as much carbon dioxide during a day of work as during a day of rest. But during rest at night the processes of tissue repair are in the ascending. This is one of the reasons why loss of sleep is so detrimental to the organism. This is also the reason why all forms of night work, inevitably resulting in loss of sleep, are in the long run bound to be injurious.

" Besides loss of sleep and rest, another characteristic of both night work and evening overtime is the loss of sunlight. Sunlight appears to benefit all our bodily functions. It stimulates growth and assists in elimination of toxic wastes. Loss of sunlight therefore reacts disastrously. Animal experimentation shows that the blood of animals kept in the dark suffers a loss of the red coloring matter. Investigation among night workers also shows the ill effects resulting from the lack of sunshine in impoverished blood: The term 'baker's anaemia' tells its own story.

" More than 20 years ago the German factory inspectors found a marked excess of an illness among night workers, as compared with day workers in similar occupations, even though the hours of labor at night were shorter than by day. The French commission of 1890, which investigated the industrial employment of girls and women in France before the first effective French law of 1892, reported especially on the injuries to child birth, and the high infant mortality among women employed on night shifts. Physicians as well as factory inspectors of all nations agree that after a short or longer period women habitually employed at night suffer from all the symptoms which betoken lower vitality; loss of appetite, headache, anaemia, and weakness of the female functions.

" Dr. L. Carozzi, in a more recent limited but intensive study of night workers in an Italian spinning mill, bears out the testimony of earlier investigators. The night workers whom he examined all showed marked signs of anaemia and general debility. He found among them a 'continual sense of fatigue, of heaviness, breakage, of exhaustion — in a word a sense of chronic tire, which weighs upon the workers and undermines their lives.'

" The injury to health from night work is the greater because sleep lost at night by wage-earners can rarely be made good in the daytime. In the first place, for reasons not well understood, sleep in the daytime appears to be generally less restorative than by night. It is less potent to accomplish its office of repair and refreshment.

" But even if day sleep could habitually compensate for the inversion of nature's order, it is not within the wage-earner's reach.

Quiet and privacy for sleep by day are unattainable luxuries. Upon returning home in the middle of the night or at dawn, the workers can snatch at most a few insufficient hours of rest. Women who work at night fare particularly ill. Those who are married cannot postpone the regular household necessities which await them in the morning, such as cooking breakfast, dressing and caring for the children, and the like. Unmarried women, too, whether they live at home or are thrown upon their own resources, can rarely avoid a certain amount of household work, which combines with the lack of quiet to make impossible adequate sleep by day after night work.

"In thus destroying home life, night work militates against morals as well as against health. Clearly, no form of women's work so interferes with their domestic relations as enforced absence from home in the evening, the only time when wage-earning families are together. Young women who work at night are deprived of all the restraining influences of home life. When the mother of a family spends the night or evening in work, disorder is almost unavoidable, and the comfort of the men as well as of the children dependent upon her ministrations, is lost.

"These, then, were some of the hygienic and moral objections to night work found in actual experience abroad. The advocates for prohibition next examined its economic value. They found a consensus of opinion that wherever night work had been abolished long enough for industry to adjust itself to the change, prosperity had not suffered. This was because, in a word, night work is inferior to day work. Output deteriorates in both quality and quantity. Defects occur more easily at night and more easily escape detection. In weaving and in industries where colors must be distinguished, work by artificial light is never satisfactory. The profits of plants running uninterruptedly day and night are reduced by the wear and tear on equipment and the increased running expenses. But chief of all they are reduced by the impaired efficiency of the workers. Just as after a limited period of overtime efficiency steadily declines, so after night work the workers tend to deteriorate. Many mill-owners stated to the investigators who preceded the Berne Convention that in the long run night work had proved financially unsuccessful.

"Hence, as we have seen, the margins of overtime have been gradually reduced, and the laws against night work, first bitterly opposed in most countries, are being gradually accepted. The Dutch factory inspector's account of the gradual acceptance of the night work law by the proprietors of the laundries in Holland is especially interesting. A tempest of indignation was aroused, wrote T. H. Van Thienen, by the Dutch law of 1889, which prohibited work after 7 p. m. in laundries using motor power. It was called, as all regulation is first called, the ruin of the industry (*la ruine de leur profession*). To abandon the traditional modes of work, to change the hours of the arrival and delivery of linen, to interfere with the workers' irregular habits (*l'habitude de se lever tard et de se mettre tard a l'ouvrage*)—all this aroused the resentment of employers, accustomed to keep their establishments open until late at night. But, according to Van Thienen, most of those fears were imaginary (*n'existaient que dans l'imagination*), and proved to be groundless when work was reorganized so as to end at 7 p. m. as required by the statute. He reported that the law still needed careful watching (*une surveillance rigoureuse*) in 1903, twelve years after it had been enacted, but concluded that the results of prohibiting night work had been "extremely favorable." This account is typical of the evidence as to the operation of night work prohibitions, contained in the official reports of the International Labor Office. The evidence all tended to prove that the prohibition of night work, like the reduction of day work, was in the long run a benefit to industry. It contributed to raise the efficiency both of the management and of the employees.

"3. NIGHT WORK IN THE UNITED STATES.

"In contrast now to the Berne Convention of 1906 and the legislation of European states bring their laws in conformity with its terms the status of women's night work in the United States is a cause for deep concern.

"We have seen that the New York Court of Appeals fails to apprehend its true significance. But more unfortunate than this decision (for there is good reason to believe that the court might take a different view if the real issues were more clearly brought to its attention), more unfortunate than the Court's decision, is

the widespread public indifference in regard to the practice of working women at night.

"The United States was not able to take part officially in the Berne Convention, since the Federal government cannot bind the individual states to enact legislation restricting hours of labor. But far from aiming at the same goal — prohibition of night work, of their own initiative — American states are drifting in a precisely opposite direction.

"While all the civilized (and some uncivilized) nations of the world are abolishing work at night, and cutting down the margins of overtime, American states are for the first time granting special overtime privileges to one great industry — canning — and are deliberately recognizing the employment of women on night shifts. The Legislature of the enlightened State of Wisconsin in 1911 enacted its first effective law limiting the working hours of adult women, and in the same statute it legalized an eight-hour night shift for women between 8 P. M. and 6 A. M. This provision requires that work at night be two hours less than the legal day's work, but it is none the less true that this law specifically authorizes the employment of women during that period of the night set apart by the Berne Convention as a minimum time for rest.

"Connecticut passed a law similar to that of Wisconsin in 1908, and bills containing similar provisions were introduced in Maryland and New Jersey in 1912. No other states have specifically legalized night work for women, but such work is permissible, because not prohibited in all other American states excepting three — Massachusetts, Indiana and Nebraska.

"The forces which make for night work — excepting the enactment of such legislation as in Wisconsin, defeating bills aimed to prohibit night work in other States — may be gauged by their activities during the sessions of 1911.

"Legislatures sat in forty States. In most of these States some bill was introduced affecting women's conditions of labor. So unpopular and so little regarded was the prohibition of night work that only in two States — Delaware and New Jersey — besides the District of Columbia, were attempts made to include a legal closing hour in the proposed legislation. These three bills all failed to become laws, and while this fact is not in itself con-

clusive — for many bills failed in other States — it is significant that these bills had admittedly no chance of passage until the closing hour had been eliminated.

“ In Delaware, for instance, the original bill prohibited all night work after 10 p. m. After many deliberations and efforts at persuasion the bill emerged from conference shorn almost beyond recognition. The following places of employment have been specially allowed to employ women without restraint at night: Laundries, canneries, the telephone service, restaurants, candy stores, ice cream saloons, and stores between December 11th and 25th — all those places in which the employment of women at night is an intrenched custom. Where night work is not customary or is not at present needed, its prohibition was not opposed.

“ Thus the special interests which desire to employ women at night are awake and untiring; public appreciation of the issue is dead or not yet born. Hence, in the United States to-day, legislation in training employers from requiring women to work at night is the most difficult to secure, though that of the day's work gains ground each year.

“ So little has the subject been regarded that we do not even know the extent of this dangerous form of employment sprung up almost like the armies of Cadmus, overnight. We do not know that the custom of evening overtime, extending to late evening hours, is prevalent in most industries to a degree unsuspected by most persons.

“ Reference has already been made to the appalling duration of night work found by the Federal investigators in a very limited study of binderies in New York city. Of thirteen women who work on night shifts in such establishments, the hours of poor girls are specifically stated. They were employed respectively $16\frac{3}{4}$, $20\frac{1}{4}$, $22\frac{1}{2}$ and $24\frac{1}{4}$ hours once and sometimes twice a week, during a long period of the year, that is, from four to almost seven months. The girl whose record of hours was most appalling worked $24\frac{1}{4}$ hours twice in twenty-one weeks. Her usual long day was $20\frac{1}{4}$ hours.

“ Official reports of the outrageous duration of night work in laundries are also available. An inquiry into the causes of a strike of laundry employees in New York city was conducted in

February, 1912, by the Bureau of Arbitration of the New York State Department of Labor. At public hearings, employees testified under oath as to their hour of labor. It appeared that work until 1 A. M. was on occasions not unknown, and that work until midnight was more often found to exist. The three following schedules of 'long weeks' reported in the stenographic minutes of evidence, though they need not be regarded as typical, illustrate to what extremes the night work of women in laundries is carried, when there is no legal closing hour for work.

" SOME INSTANCES OF EXTREMELY LONG HOURS IN NEW YORK
LAUNDRIES.

Day of week.	Woman who has worked 2 years in laundries.		Woman who has worked 5 years in laundries.		Woman who has worked 11 years in laundries.	
	A. M.	P. M.	A. M.	P. M.	A. M.	P. M.
" Monday	12	— 12	12	— 12	9	— 9
Tuesday	9	— 11:30	9	— 11:30	9	— 11
Wednesday	9	— 9:30	9	— 9	9	— 8
Thursday	9	— 7	9	— 7	9	— 7:30
Friday	9	— 6:30	9	— 6	9	— 6

" We know also that in one grade occupation — the telephone service — a host of girls and women are regularly employed at night and all night, where only a few years ago the night service was performed by men and boys. It is true that the telephone companies find it necessary to make better provision for the comfort and safety of their night workers than other employees. Rest-rooms are provided, and the night shift is not exposed to the objectionable late return home, being kept on duty almost invariably from 10 P. M. to 5 or 6 o'clock in the morning. But the fundamental physiological objections to night work remain the same: the workers' lack of sleep and sunlight; their inability to make up adequate sleep by day. The shifting army of 'telephone girls' keeps changing; often the service holds them less than two years, a trade life of extraordinary brevity; and no one is the wiser as to the effects upon them of this exacting occupation, of which night work is a regular incident.

" The recent Federal investigation of wage-earning women and

children gives little more than side lights and hints as to the extent and effects of employment at night. But even these scattered data are all in accord with the facts as to health, morals, and efficiency found earlier by the European investigators.

"In the investigation of the cotton textile industry, mills were found operating at night in North and South Carolina. According to the census there were, in 1908, 293 cotton mills in North Carolina; 59 of these were covered by the investigation; 31 mills operated by night, not counting 2 which had discontinued night shifts during the year. The number of women and children under 16 years employed on night shifts was 848, nearly equally the number of men, 874, employed at night. In South Carolina, the investigation covered 36 of the existing 150 cotton mills; 5 mills were found operating at night; 188 women and children under 16 years were employed, and 155 men.

"The agents of the government visited workers who were employed in North Carolina cotton mills during the 12 hours from 6 in the evening until 6 in the morning. At 11 o'clock in the morning they were sitting drowsily over camp fires, too listless to seek sleep. When they did lie down, the inevitable noises in thinly partitioned wooden houses, where every sound can be heard from room to room made sound sleep impossible. Usually they rose at 4 or 5 in the afternoon and again took their seats before the fire, too weary and sluggish to think of a walk in the open air.

"Shocking abuses were found by the investigation, in connection with night work in two small mills in North Carolina. While these cases are not cited as typical, they are given 'to show the extremes to which unregulated labor of women and children can go in the absence of legal regulation of or efficient means of enforcement.'

"In one of these mills it was common for night workers who had worked all Friday night to continue until 3:30 o'clock on Saturday afternoon, 'working approximately 20½ out of 21½ consecutive hours.' The day workers were 'frequently requested to return to the mill immediately after supper and work until midnight, and frequently some one was sent to the homes of employees early in the evening or at midnight to request day workers to come and work half the night. Some employees usually de-

clined to do overtime work. Others worked alternate nights as a regular custom.'

"Among those who thus worked at night after and in addition to a 12-hour day, was a family of 5 children, consisting of three boys, aged 10, 15 and 17 years, and two little girls of 11 and 13 years. Their names were entered upon both the day roll and the night roll of the mill.

" 'It was found,' says the reporter, 'that during a considerable part of the 8 months that this family had been at this mill, these children had worked 2 or 3 half nights each week, in addition to day work. After working from 6 A. M. to 6 P. M. with 35 minutes for dinner, they had returned to the mill usually every other night immediately after supper, and worked until midnight, when they went home for 4 or 5 hours of sleep before beginning the next day's work; or they had been aroused at midnight and sent to the mill for the second half of the night, where they remained until 6 o'clock the following afternoon, except when eating breakfast and dinner. In either case, they were on duty for a working day of 17 hours, with no rest period save for meals. Those who worked the second half of the night went home for a hurried breakfast just before 6 A. M.

" 'The father of the family was apparently an active, hard working man. He expressed the opinion that night work in addition to day work was rather hard on the children, but said that he was trying to get money to buy a home. No member of this family could read or write.'

"The government agents found the homes of many night workers as dismal and neglected as similar homes were found by investigators abroad. In several cases when both parents worked on night shifts, the children came to the mill to sleep on boxes and rolls of cotton—pitiable drifts and strays deprived of anchorage. Or when the mother of a family worked on a night shift and also attended to her home duties, including the weekly washing and ironing, she had to spend, 'one day at least, from 18 to 24 hours without sleeping.'

"Of the moral degeneration due to night work, the government reports on the glass industry give lurid instances. Women's work in glass making is confined to the most part to the finishing

department and to the lehr room, where glassware is removed from the lehr or annealing oven in which it has been slowly cooled after firing. In four factories, however, negro women are employed as substitutes for boys in the furnace rooms. Here, during the night shift and at dawn when work stops, are found at their worst the coarseness and immoralities resulting from the close association at night, of men and women hardened by the most exhausting and hottest labor.

"If the character of these poor negro women in the glass houses be held responsible for the excesses of the night shift and the perils of their lonely return home, what shall be said of the similar perils and alarms of refined women employed in night restaurants, whose return home at midnight or thereabouts is compulsory? Can there be any doubt that such a necessity is unworthy of any community calling itself civilized?

"Such, then, are some of the documentary evidences, though insufficient and merely suggestive of the existing night work of women. If we turn now to our fragmentary data as to the economic value of night work, it seems also to corroborate European experience. Just as the silk mill owners of the Vosges and Rhone found weaving by artificial light unsatisfactory, so it is beginning to be found in the silk centres of America. Just as night work was abandoned by many European employers because of its lesser productivity and the decreased efficiency of their workers, so, says a recent publication of the South Carolina Department of Agriculture, Commerce and Immigration, 'night work seems to be generally regarded as a losing proposition.'

"Cotton mill owners in North Carolina who have voluntarily discontinued night work and were therefore disinterested witnesses, were unanimous in declaring to the Government investigators that

" 'It did not pay. They assert that, as a rule, they could induce only an inferior class of employes to work on the night shifts, with a constant lowering in the quality of product, while at the same time a higher rate of wages than usual was required to secure even this class of help; that continuous operation resulted in more than ordinary "wear and tear" on machinery, and that there was a disposition to neglect the care of machinery

when used jointly by two shifts. The manager of a mill in Georgia, which had carried on night work for a year and abandoned it, expressed the feeling tersely by saying, "It was hard on the people and hard on the machinery."

"The indications," says the federal report, 'are strong enough to warrant the conclusion that overtime runs to dangerous limits in both mercantile and manufacturing establishments, in the absence of restricted laws not only setting definitely a limit to the hours of labor per day and per week, but fixing the closing hours.'

"The legal closing hour which has been found the only practicable device to check unscrupulous night work is the most immediate need in our legislation for working women. It must be made an integral part of all laws reducing the length of the work day if they are to be enforceable and if they are to protect the workers in fact as well as in theory.

"The special interests are strong enough to-day to obscure the issue and secure for themselves special license to invert nature's order of life for thousands of working women. Nature's revenges for the infraction of her inviolable law will teach another generation better wisdom, unless reason can in our day prevail over indifference and greed, and restore to wage earning girls and women the night for sleep."

ELIZABETH C. WATSON, recalled as a witness, testified as follows:

Examined by Mr. ELKUS:

Q. Miss Watson, we interrupted you yesterday in your testimony to take up some other people who had to go. I want to call your attention to two or three matters in reference to home work, and that is the number of widows that you found. I am going to let you take it up in your own way. A. We found a very small percentage of widows; 7 per cent. only, among the families investigated this fall.

Q. It has been claimed that home work was done largely by widows who had children. You only found 7 per cent of the people were widows? A. Only 7 per cent were widows, and less than 10 per cent of those had children under ten years old.

Q. Is there anything more you want to say about widows? A. I think we can offset that argument by saying a widow could not possibly support her children on the wage received from home work.

Q. It is not sufficient even if she works long hours? A. It would not be sufficient.

Q. Go ahead with the other matters you want to take up this morning? A. One of the things I particularly wanted to take up was the exploitation of the worker, the way home work contributes to this thing. It leaves everything absolutely in the hands of the manufacturer or his contractor, who can dictate terms as to wage; dictate terms as to the amount of work that must be done in one day. Amongst our cases we found a contractor who took the work from the factory at seventy-five cents per unit of payment, who in turn without any cost to himself whatever for materials, or handling materials paid his workers twenty-five cents per unit of payment for the same work.

Q. That is the Padrone system that was referred to yesterday? A. About the same, yes.

Q. Another a case of a contractor who had fifty families working for her found that the manufacturer was giving out individually to home workers the same work at a higher rate of payment than the contractor was paying. The manufacturer was paying \$1 a dozen. The contractor, finding out the manufacturer was doing this with one of the workers throughout the factory, said to the manufacturer: "If you continue to give out this work to individual home workers and pay \$1 a dozen I will withdraw my fifty home workers and take them over to a rival factory." It was a rush season and the employer settled it with the contractor and turned all his individual home workers over to the contractor, and they now receive forty-five cents a dozen for the same work.

Q. The intermediary gets \$1? A. He gets \$1.

Q. Are these men or women who do this exploitation? A. They are both.

Mr. ELKUS: Do they do it among all nationalities, or all the Italians?

Miss WATSON: I am sorry to say that the exploiter is usually one of the same nationality.

By Mr. ELKUS:

Q. I mean, are all races exploited, or only one particular race? A. The Italians, usually.

Q. Usually the Italians? A. Usually the Italians. They don't know how to look out for themselves. In the Bronx there is an Irish crochet contractor who had at least 100 workers; I do not know how many more.

Q. You don't mean he was an Irishman, but worked on Irish crochet? A. Irish crochet contractor in the Bronx; had at least 100 workers, and I don't know how many more taking out work. He has not paid them for two months. He ran away one night with all the money. One woman with her two little children had been working for two months and lost \$50.

Q. Have you made any investigation of the hair brush and tooth brush industries? A. Tooth brushes are made in the homes, but not in this State. The hair brushes are made.

Q. Tell me about hair brushes? A. There are all kinds of hair brushes, the ordinary hair brush and hygienic hair brushes, and other kinds of hair brushes, made in the homes.

Q. In these tenement houses? A. Yes.

Q. The so-called hygienic hair brush? A. Yes.

Q. Advertised to be made under very sanitary conditions? A. That is made in the homes; that is almost entirely done by contract. The contractors take the material and let it out to other people, who in turn let it out to other people. There are contractors, sub-contractors and sub-sub-contractors in the hair brush business.

Q. Do the children do that work? A. Yes; I have seen children working on hair brushes as late as half past ten at night.

Q. You yourself have? A. Yes, sir.

Q. In New York city? A. In Brooklyn; they do the same thing in Manhattan. In that case the work was given out at the rate of forty cents a dozen to the contractor, and the family that I interviewed at half past ten were getting fifteen cents a dozen

for the same work, it having passed through the hands of two contractors.

Q. If that work was done in the factory the contractor intermediary would not get any of that profit at all, would he? A. He would get nothing. The manufacturer when asked why that work was not done in the factory, said women could not work the number of hours in the factory because it would ruin their eyes.

Commissioner DREIER: It does not ruin their eyes at home?

Miss WATSON: It would, of course, by lamplight.

Q. If this contract system, or Pardone system is very general, the consumer does not get the benefit of the low wage, the low pay which the home worker gets, for doing this work at all; that is so, isn't it? A. Yes, but leaving the contractor out, the consumer does not get the benefit.

Q. Who does get it? A. The manufacturer, the jobber and the retailer.

Q. You mean the manufacturer charges for the goods at the same rate as he pays in the factory? A. Exactly the same. We made a very careful study of the crochet trades.

Q. Yes. A. At that trade we found a certain article given out at the rate of forty-five cents a dozen. The cost of the manufacture of that article, the cost of the material and the cost of handling afterwards in the sample room was \$2 a dozen. He sold it to the jobbers for \$7.50 a dozen; the jobber in turn sold it to the retail trade for \$9 a dozen; we paid \$12.50 and \$15 a dozen in the department stores for the same article.

Q. Have you any photographs which have been taken for you, showing work in these homes? A. We have some, we have many more, but these are some (producing photographs).*

Q. Can you describe them and say what they are about? A. This family of father, mother and three children are making fine hand-made cigarettes. All the hand-made cigarettes are made in the homes—that is, the paper tubes, the paper casings are made in the homes. These tubes or casings come back to the factory, where they are filled with tobacco and sold to the consumers. These cigarettes are specially made; they are the best cigarettes. They are the ones that the Belmont Hotel handle, the

* The photographs referred to will be found in Appendix IV, Volume II of the Report.

Vanderbilt, the men's clubs; these are the extra good cigarettes with monograms on them.

Q. Is that a tenement house? A. A tenement house.

Miss WATSON: In making these cigarettes, they have a paste made of salt, starch and sugar. It is quite a common thing to take a number of papers and wet a large number at a time. In taking up the individual papers to make the wrapper, as the paste gets dry, they invariably lick it with their tongue. We have taken a picture of it (exhibiting photograph). This is not just one case; this was found invariably to be the case.

Q. Showing a man licking the cigarette with his mouth? A. Yes; and women, too.

Miss WATSON: There is another trade which does not require a license — cutting out embroidery.

Q. That is a mother and two children (referring to another photograph)? A. A mother and two children.

Q. In a tenement house? A. The child sitting here in the window of a dark bedroom. All this work is tenement house work.

Q. That is done in a bedroom? A. Yes; done in a bedroom. They are sitting on the bed doing it.

Q. A dark bedroom? A. dark bedroom. The Bronx has a good many embroidery factories. The cutting out of this embroidery is almost entirely done by Italians living up in that district. Four years ago they received forty cents for cutting out one hundred yards and the congestion has increased there more among the Italians, and the price has gone down. They now receive fifteen cents for the same work.

Miss WATSON: This is an Armenian family making frogs that go on pajamas. They get twenty-five cents for making 144, for making one gross, and the family can earn — the average wage is from \$2.50 to \$3 a week.

Q. Three children are working? A. All working except the baby.

Miss WATSON: This is another picture, another family cutting embroidery. The youngest child is five years old. In one of the

families a very small child was asked how long she had been doing this work and she said "ever since I walked."

Mr. ELKUS: Meaning ever since she could remember?

Commissioner DREIER: May I ask, did the women sit that way when you came in, or did they change for the picture?

Miss WATSON: They were sitting on the floor.

The CHAIRMAN: How many rooms ordinarily does the family occupy?

Miss WATSON: Two; two or three; two is the usual number. One room is usually dark. They usually work in the room which has the window in it.

Q. Now, Miss Watson, from your experience what would you say would be the effect on the morals as well as the health of all the children engaged in this home work, if it was prohibited?

A. I think prohibition is the only thing possible. I think it would improve the morals, not only of the children but of the families at large.

Q. And their health? A. And their health. We had a good deal of evidence yesterday about the shiftless father, the idle father. I think it is a very probable thing these fathers had too much work to do when little children and have lost the capacity for work and cannot work now, like the child who eats too much brown sugar; he never wants to see it again. A child overworked when a little boy is bound to be a shiftless father when he grows up. Our reformatories and jails and prisons and asylums are full of people of that kind.

Q. I want to bring out a little more clearly whether the consumer gets any benefit from the low price paid for all the work in the home? A. I have never found a case where the consumer derived any benefit.

By the CHAIRMAN:

Q. You spoke a moment ago of one of the contractors running away with money due to the workers? A. Yes.

Q. Do you know whether the home workers got the money afterwards from the manufacturer? A. They had never gotten

the money from the manufacturer. They don't know from what manufacturer he got his goods. That is the evil part of the system.

Q. They don't know where it comes from? A. It is impossible to place the responsibility.

Q. You began to tell a story of one family being deprived of \$50? A. Fifty dollars; that was a mother and small children.

Q. That was a tremendous sum for them? A. It was the work of the children after school, and days that they stayed out of school, and Sundays and Saturdays and during the early spring holidays.

Q. Covering a period of how many months? A. At least two and one-half months.

By Commissioner DREIER:

Q. What about the wages of the fathers who do work, or don't they ever have work? A. I find the majority of the fathers do work when they can get work, and the average weekly wage is a comparatively good wage—that is it is a much better wage than what they are making on home work. The average weekly wage for a thousand fathers was \$13.55 a week.

Q. When they work? A. When they work; but those fathers don't average more than 200 days a year of work, and sometimes not that much; 192; sometimes not that much; 200 days of work, minus 10 per cent in changing jobs.

Q. What is the reason of their working so few days? A. Seasonable trades and bad weather. The father is a laboring man, a building trade man, and they have no work during the winter months, and are not paid for Sundays or legal holidays.

By the CHAIRMAN:

Q. I suppose you find in a great many cases that the parents give the excuse that it keeps the children off the street and out of mischief; isn't that an ordinary excuse? A. One of them is. Most of them say "we must make the eat, make the money, we must have the eat." I spoke to one father the other night, about half past nine, with a little child four years old sitting on his knee. She was winding violet leaves. I asked him why he allowed the baby to work at night; "what can I do? We must have the food, we must have the eat."

MARCUS M. MARKS was then introduced.

MR. ELKUS: Mr. Marks, will you state for whom you speak, what organizations, if any, you represent?

MR. MARKS: I speak entirely for myself. I am not in business. I represent nobody, and in my investigations of factory conditions during the last twenty years, I have never represented anybody. I have done it as a matter of personal satisfaction, in the direction of reform of these conditions.

MR. ELKUS: I thought you were the president of the National Clothiers' Association?

MR. MARKS: I am not.

MR. ELKUS: You were?

MR. MARKS: I have been, but I am entirely out of business and out of office, so that I speak from personal experience alone. I have gone around with Commissioners of Labor and factory inspectors, and alone. As I understand the question now is on work in tenement-homes, not in factories.

MR. ELKUS: That is one of the subjects.

MR. MARKS: That is a subject I would like to speak about. I am in favor of a much more careful supervision of work going on in homes than at present exists.

MR. ELKUS: There is not any now.

MR. MARKS: There is some, now; some are licensed —

MR. ELKUS: That does not amount to anything.

MR. MARKS: I believe there are 11,000.

MR. ELKUS: Yes, the licenses are given out, but that is all there is about it.

THE CHAIRMAN: The supervision does not amount to anything.

Mr. MARKS: It does not amount to anything, and it should amount to a great deal. There should be a great many men of good calibre appointed to see what is going on in the way of work in the homes, and they should be men getting good wages — not cheap men in any way, in any sense; men of ability and of a type that will do justice and report properly.

For my own part I sincerely desire to see wages high enough to make home work unnecessary on the part of women, and particularly of children, but that is a condition that does not face us now.

Mr. ELKUS: Are you in favor under any circumstances of permitting children under fourteen years of age to work at home?

Mr. MARKS: Personally I should be very much opposed to that. I should like children under fourteen to go to school, and be out if possible, under all circumstances. But I do think a great injury can be done, and that legislators may do harm by listening too much to the statement of exceptional features, whether those exceptional cases are stated by employees, or representatives of employees, or whether the manufacturer states them in his desire to have free and unobstructed liberty in the home; in both those cases an injustice is done.

I have read of statements being made of very pitiful cases, but I should be sorry to see legislation based upon such statements, because they are exceptional. We have got to look at both sides of this case, and try to be fair, not to be influenced entirely by our sympathies.

Mr. ELKUS: Do you believe, if the work is to be permitted, it ought to be under regular supervision?

Mr. MARKS: I certainly do.

Mr. ELKUS: You think it would take a very large force of inspectors?

Mr. MARKS: Yes.

Mr. ELKUS: Have you any idea how many inspectors it would take to supervise the 40,000 homes in which home work is being done now, in Greater New York?

Mr. MARKS: I imagine it would take a large number of supervisors to do that.

Mr. ELKUS: Would it take about one for every tenement-house?

Mr. MARKS: I do not think so; but I take the position that we have a Board of Health, and that most of these homes that are spoken of as unfit to work in, most of them are unfit to live in; and I think there ought to be no person permitted to live in a home so unsanitary that you cannot do a little sewing or some other work in it.

I have another side, and that is that the thousands of families who are now working, many of them are in very decent, clean, moral homes in the tenements, where the woman has a baby, or where she has to do some housekeeping, or where she is a widow, if it is only 7 per cent. I think that the terrible results of the exclusion of that privilege, in thousands and thousands of cases would be something that we would not care to face. If the people cannot make the few dollars which pays the rent, what is going to become of those families, I say? Are you going to throw them into the street, or into the cellar? You are not going to make their condition better; you are going to make it worse. We have to deal with the situation as it is — not as we would like it to be, but as it is. I think it would be a crime to do what has been suggested, to eliminate the right to work in the home, any more than it would be right to eliminate unions, because some unions are not good, or eliminate trusts, or large corporations because some are not good. The same way with the homes. I have gone through thousands of homes in the tenements that are as good as my home or yours as to cleanliness or morals. Why should we tell the people, get into the gutter, get out? I think we have to be very careful in legislation to see we don't bring about hardship.

Mr. ELKUS: You don't believe that a man who has a factory should have the right to extend his factory into the tenement-houses?

Mr. MARKS: No; I do not believe he should have the right. The factory should be under factory conditions.

Mr. ELKUS: If you do not believe in that — of course there may be some cases of hardship, there always are whenever you have any legislation, or have anything done; but in the main would not the hardship be the other way?

Mr. MARKS: I think in the majority of cases, from what I have seen, the hardship would be against the worker, against the family. There are exceptional cases of distress one way, and exceptional cases the other way, but in the large mass of cases, there would be a terrible hardship by not permitting work going on under proper supervision in the tenement-homes. We ought to be able to afford that supervision.

Mr. ELKUS: It is estimated it would take at least a thousand inspectors.

Mr. MARKS: That would not be as terrible as driving them out.

Mr. ELKUS: That would cost the State about \$150,000 a month.

Mr. MARKS: Let the State pay, and pay good men. I would not care how much they paid, rather than commit a hardship.

Mr. ELKUS: Would not it be better for the State to take care of those people who would be distressed and penniless directly, than by doing it indirectly, as they are now doing it?

Mr. MARKS: Personally I do not think so. I would not make paupers out of 10,000 or 20,000 families for the State to support.

Commissioner DREIER: Do you know of any family who can live on their earnings in the homes?

Mr. MARKS: I have come across hundreds of families who could not live in as decent homes as they now live in, if it were not for the money provided by the wife, two or three dollars a week, which makes twelve dollars a month, enough to pay a large share of the rent.

Mr. ELKUS: Isn't it a fact that the woman who works two or three days a week competes with the factory worker?

Mr. MARKS: Now you are getting into economics.

Mr. ELKUS: Of course we are; she competes with the factory worker, and the factory worker's wages are cut down because of her competition. That is unfair, isn't it?

Mr. MARKS: When you speak of economics, you have to consider the competition between this market and all other markets.

Mr. ELKUS: The cloak and suit industry has eliminated doing any of their work in tenement houses, haven't they?

Mr. MARKS: Not altogether.

Mr. ELKUS: In New York city?

Mr. MARKS: Not altogether; the members of a certain association.

Mr. ELKUS: Well constituting a majority of the manufacturers?

Mr. MARKS: Yes, the majority.

Mr. ELKUS: New York city I believe is the largest cloak and suit industry in the world.

Mr. MARKS: It was two or three years ago; it has declined in comparison with other markets since.

Mr. ELKUS: Other markets in the United States?

Mr. MARKS: Yes, sir; the Cleveland market has doubled.

Mr. ELKUS: They have put in the sweatshop system and taken up all the old things we have given up.

Mr. MARKS: I am speaking now of economics.

Mr. ELKUS: Would you be in favor of having the cloak and suit trade go back to the old method?

Mr. MARKS: If any family has been deprived in the home of the opportunity to work, and has no other opportunity instead, I have not examined into those families. I do not know what hardship has been done, but I would say that we must be careful not to put such a high penalty on honest labor as to make it a premium on idleness, which leads to vice.

MR. ELKUS: You agree with this, that no child under fourteen years of age should be employed in this work?

MR. MARKS: I believe in all these things.

MR. ELKUS: And you would even advocate the prohibition of their employment?

MR. MARKS: I think we are ready for that.

MR. ELKUS: You also believe if the work is to go on in the tenement houses, it must be under very strict supervision?

MR. MARKS: Under the most careful supervision by men of good pay, not by cheap men.

MR. ELKUS: And that the factory owner should not be permitted to extend or enlarge his factory by using tenement homes for that purpose?

MR. MARKS: That is a question I cannot quite answer off hand. I do not know to what extent the factory owner has sent his work into the homes.

MR. ELKUS: In some cases to a very large extent?

MR. MARKS: I really prefer not to answer that at present.

MR. ELKUS: Of course you do not favor the system of giving out work to subcontractors, who keep a list of home workers?

MR. MARKS: There are many things I do not favor. We are talking now of a practical proposition, whether that can be done away with or not. I do not know whether you can. It began very gradually.

THE CHAIRMAN: Do you not think that we would all be very much better off if we could do away with this tenement house work?

MR. MARKS: If we can without taking these ten thousand families I have in mind and throwing them on the street. Oh, yes, it would be ideal; there is no question about it theoretically.

The CHAIRMAN: Cannot we get to it by a gradual method of readjustment?

Mr. MARKS: Surely.

The CHAIRMAN: What do you think of the proposition of taking the worst, that is, the most dangerous tenement house trades, such as foodstuffs, eliminating that first, and giving the others an opportunity to readjust themselves?

Mr. MARKS: That is a different proposition than I thought I was here to speak about. If you mean a gradual elimination, not a sudden elimination.

Mr. ELKUS: We have not any proposition before us.

The CHAIRMAN: We want you to help us solve the problem. You said we ought to look at all sides.

Mr. MARKS: Yes.

The CHAIRMAN: And not be led by an exceptional case. That is the very reason we are having these hearings; we want to hear everybody.

Mr. MARKS: I did not understand the full scope.

The CHAIRMAN: So that we may proceed properly toward solving the problems.

Mr. MARKS: That is not the way I understood it. I understood there was some idea of a legislative enactment to stop at once work in tenement houses.

Mr. ELKUS: No, in this case we have no bill on the subject.

The CHAIRMAN: I do not think anybody can say the Commission has reached a definite conclusion as to what it shall do. We are trying to solve it by listening to all sides, and to those able to give us information.

Mr. MARKS: That subject is one that pleases me immensely because I am heartily in favor of any sane, quiet course and logical, practical efforts to gradually take away from homes such work as the public suffers from having done in those homes. As

you say, concerning things that we eat, if the surrounding conditions are not absolutely clean, there is some risk. The risk for instance in the garment industry has been very much magnified. They said infection is being spread right and left. I know thousands of factory men who have handled goods all their lives. They are hearty men who have had no sickness, and so these things are exaggerated.

Commissioner BRENTANO: Isn't it a fact that a great deal of this home work is done by people and children who are exploited simply because they are not familiar with the wage that they can get, and isn't it established through investigations that the lower prices paid to these people have never benefited the consumer, and that this home work has not benefited anyone except the man who owns the factory? In other words, imagine a law, if such a thing could be passed, that would impose upon the factory owner the obligation to pay the same wages outside the factory as that which he pays within, to the people employed within.

Mr. MARKS: In my attitude I am not considering the consumer, nor am I considering the manufacturer, but considering the people living in these homes, and what is going to become of them.

Commissioner BRENTANO: Let us put it on the economic side as you do; isn't it a fact that if that work was stopped, the natural requirements for labor would bring most of these people fitted for that sort of labor into the factories at a much higher wage?

Mr. MARKS: A good many would go into the factories, but a large number do not go into the factories, because they cannot leave the home.

Commissioner BRENTANO: That proportion of the home which could, would not their earnings go much farther than the earnings go now?

Mr. MARKS: My answer is that if the people could leave home entirely, they would leave it. The fact they do not leave the home is evidence they cannot leave it. They are tied there for some reason.

Commissioner BRENTANO: Do you believe that is so when you reflect upon the class of people, the ignorance of the language and conditions, and the belief that there is no higher wage for them to seek at all until they are here for a sufficient number of years and gradually learn the facts?

Mr. MARKS: I have not a very low estimate of the intelligence of people living in tenements.

Commissioner BRENTANO: I do not speak of all the people in the tenements; I am speaking of those whose cases are brought before the Commission, that class and a very large proportion of the class who are obliged to work in homes and at wages which are so low, compared with the lowest wage in most factories, that it would seem to many of us that there is no benefit gained even with the money secured to them by such efforts.

Mr. MARKS: I see your point. My answer is that I do not believe home work is paid as well as factory work, and that all those who could get into the factory or shop would go there if they could leave their homes, or most of them. The fact they remain there and earn only a little is not an argument altogether for their being told not to remain there. They need the money.

The CHAIRMAN: Isn't it a fact that the manufacturer wants to send it to the home because he can get it done cheaper?

Mr. MARKS: The manufacturer does not want to send it to the home. The manufacturer needs regularity in his work. He would rather have the work done in factories every day, and he can get it done cheaper in factories and more regularly. There are only certain things sent to the home which these people who cannot leave it can work on for an hour or two at a time, between meals, between preparation of meals, and between the time the husband comes back from his work. I am with the chairman heartily for the gradual reduction of the amount of home work done in tenements by trades, beginning with the most dangerous, let us say.

Commissioner BRENTANO: Well, it has been thought, Mr. Marks, by some of the members of this Commission, that this

home work imposes upon the city and the State an obligation greater than the wage would be if paid to them direct, in the way of hospital and free medical service and charitable work. It is an indirect method of giving charity, at a loss of health.

Mr. MARKS: What I would like to know is, can you show me that the fact that they are working in these homes brings all that about? Isn't it the fact that they are living in these homes?

Commissioner BRENTANO: We have had a great deal of testimony that work in the homes brings hardship.

Mr. MARKS: An additional hardship?

Commissioner DREIER: That the hours are very long — not that they work two or three hours, but twelve, fourteen and sixteen hours.

Mr. MARKS: In some cases.

Commissioner DREIER: Nearly all the investigators have testified to that fact, that they do work long hours in the majority of cases.

Mr. MARKS: That is what I fear, the effect of such statements of fourteen hours and sixteen hours a day, and I have read in the papers twenty hours of labor; that these things are exceptional and should not be considered.

Mr. BRENTANO: These statements and evidence have been given by social workers who have lived among these people for twenty years and upward, in the majority of cases, who are familiar with these conditions day and night, and there has been no testimony opposing that. These hearings have been open to anyone wishing to present testimony on the opposite side, on the part of those employing these people.

Mr. MARKS: I hold no brief for anybody.

Mr. ELKUS: There was a child yesterday said she worked from three until eight, a child seven years old.

Mr. MARKS: I do not doubt such a case exists.

Mr. ELKUS: They were taken at random.

Commissioner DREIER: I think we ought to make it clear our investigators did not seek out cases. They went through tenements, found the conditions, and reported the conditions as they found them.

Mr. MARKS: I have sought such cases; I have gone with the inspectors and said, "Show me the worst; I want to see the worst."

Mr. ELKUS: You went with the factory inspectors?

Mr. MARKS: Yes.

Mr. ELKUS: You know the facts testified to here yesterday, and it is a fact, when the Labor Department inspector gets into one tenement house in a row, every other apartment in the whole house and the whole block knows it, and that merchandise is sent upstairs to other apartments and the children are sent out to play, and the place is cleaned up instantly.

Mr. MARKS: I have had that experience.

Mr. ELKUS: The news goes through like wildfire, but owing to the fact that this Commission employed mostly women inspectors, not known as labor inspectors, we got closer to the facts than any labor inspector did. I do not say this in criticism of labor inspectors.

Mr. MARKS: Yes; I have had that experience, where work has been thrown under the beds as we approached and all that. I assume there are terrible conditions; I know there are many unsanitary conditions.

Mr. ELKUS: The conditions should be changed in some way?

Mr. MARKS: I am heartily in favor of an improvement.

Mr. ELKUS: You would be in favor, anyhow, of all foodstuffs being prohibited, being made or work done at home?

Mr. MARKS: I would not make that statement without investigation.

Mr. ELKUS: I would be glad if you would let me know your views.

EMANUEL W. BLOOMINGDALE.

MR. ELKUS: You represent the New York Retail Dry Goods Association?

MR. BLOOMINGDALE: Yes.

MR. ELKUS: How many members are there in the association?

MR. BLOOMINGDALE: About twenty-two, I think.

MR. ELKUS: And those are the leading dry-goods stores of New York city?

MR. BLOOMINGDALE: Practically all of those are New York and Brooklyn.

I have come here to make a very brief statement, to the effect that we have carefully gone through all the proposed bills that have been presented by this committee. There are a great many of them covering factory conditions in which we are interested generally, although nearly all the retail houses have, outside of their places of business, factories where they do most of the factory work, indeed, all the factory work that can be done outside is done in those places.

In the management of these establishments many of these bills are going to cause a great deal of inconvenience and expenditure of perhaps hundreds of thousands of dollars, but we are not here to object to them. In fact, many of them we have given, and do give, our very full approval, nonconstat, it will cause us to make many changes which perhaps we ought to have made before.

I want to put ourselves on record in opposition to two of the bills, one No. 14 and the other No. 22. Bill No. 14 is that which provides that seats for women in mercantile establishments must have backs.

MR. ELKUS: That is the same law that has been enacted in regard to factories?

MR. BLOOMINGDALE: Yes. The distinction, however, between the two classes of establishments is that in the factory the woman, practically, if she is engaged in labor that permits her to be seated, she is seated all the day, and there is perhaps a need for her to have that support.

In the mercantile establishments the woman is not seated for very long periods of time, and invariably she is seated in a place where there is a back for the chair, and that is the shelving. The seats are there, not for the purpose of general repose, but for the purpose of resting the feet and legs, and the objection to having them with backs is that they take up more room, and in the event of fire or panic, we would regard them as a source of danger.

The expense or inconvenience of them would not be of the slightest importance; it would not make any difference to us whether the chairs had collapsible backs that we would regard them as an element of safety in the narrow space behind the counters in case of fire or panic.

Unless there is a great necessity for them, so that it would a hardship without them, we think the law should not be changed requiring backs on seats.

With regard to bill No. 22, we make no objection to it in general application to our factory establishment, but in every mercantile establishment there are certain parts which, at certain times of the year, are set apart and devoted to what may be called manufacturing purposes. I have reference particularly, for example, to the millinery workroom which is maintained during the season in the millinery department, and the cloak repair room and alteration room maintained in the cloak department. These, by reason of the conditions, must be contiguous to the departments where the sales are made, and under the definition of a factory I am strongly of the opinion that these places, thus set up, even though temporarily, would under a strict construction of the law, be called factories, and as factories, be subject to all the physical conditions provided for in bill No. 22. We ask therefore that this bill be amended so that it shall not apply to any building of a single tenancy, where not more than 10 per cent of the employees in such building are engaged in work rooms.

Do not forget that our buildings are all equipped with all of these conveniences that are required here by law, and that our employees have access to them. We are not like a factory building where one floor is occupied by one concern, another by another, but are a unit, and all conveniences and facilities are

open to all employees, those employed in the work rooms as well as those employed in the other departments of the business.

To compel the part set aside — usually not for all time, usually only temporarily, for a few weeks or a couple of months — to compel them, under a factory inspector who might be a strict constructionist, to be equipped with all these conveniences I think is a hardship and that it is hardly within the purpose of the committee to inflict.

COMMISSIONER JACKSON: That point raised the last time you were before the commission is covered now in the suggestion you make to-day, is it, in regard to the definition of a factory?

Mr. BLOOMINGDALE: Yes.

COMMISSIONER JACKSON: It is covered in your suggestion to-day?

Mr. BLOOMINGDALE: No; there is another bill there that contains the definition — there is another bill I find here that defines a factory and the mercantile establishment.

Mr. ELKES: No. 9?

Mr. BLOOMINGDALE: With regard to that my suggestion was that a mercantile establishment be defined as one where not more than ten persons were engaged in work rooms, but I am quite in agreement with Miss Dreier who pointed out that to make that broad and general exception, would except the work room part of our places from the general operation of the law — Labor Law. That we do not want. We only want it for the purposes of inspection and control, that mercantile establishments be defined as something different from factory proper.

We do not want the definition to change the conditions that have been brought about by the various enactments of the Labor Law.

COMMISSIONER BRENTANO: In the latter part of your suggestion, relating to the 10 per cent. basis for the purpose of defining a factory, when rooms are permanently set apart for such purposes, and its construction thus arranged as permanently set apart from the mercantile part, would you make any other suggestion that would then come under all these rules?

Mr. BLOOMINGDALE: And if all these conveniences were conveniently located and conveniently accessible to the employees, I should not raise that objection as to that. For example, if a part of one floor was permanently occupied for manufacturing purposes, and all the facilities were within easy access of all the employees, even though not directly in and physically contiguous to it, we could raise no reasonable objection to the application of that instance. In other words we do not want to escape, I believe, any of the reasonable conditions that this committee is willing to impose, and my purpose in coming here was more to sustain the situation than to ask the committee to modify its view.

MAUD E. MINER, secretary of the New York Probation Association.

Mr. ELKUS: You are a probation officer?

Miss MINER: I am secretary of the Probation Association, not a probation officer.

Mr. ELKUS: You are to address the Commission.

Miss MINER: I came down to speak on another bill, but I am very glad to have this opportunity to speak.

I simply want to add my word against the home work in tenements, and I am afraid I must come back to the individual case because it is the case that points out what is actually being done in the homes.

I have been in these homes in the course of my investigation as a probation officer, and a worker with delinquent girls especially. I have been in homes where they were making cigars; making artificial flowers; willow plumes; sewing shirtwaist buttons. I have been nights, Sundays and at all times to these homes and have seen little children of seven and nine who were not free to go out on a Sunday afternoon because they had to sew on shirtwaist buttons, and they had to utilize the natural light just as long as they could have daylight. They could go out for a rest when they would have had to have the gas for their work, and it would count up in the quarter meter, so the mother said. I have seen children of seven, nine and eleven in one family all working

after school, at night, and according to the word of all three of these children, they had to work oftentimes until 11 and 12 o'clock in the evening.

Mr. ELKUS: Doing what?

Miss MINER: Working on artificial flowers.

Mr. ELKUS: Were those exceptional cases?

Miss MINER: I would not say. I think perhaps it is the exceptional case where a girl has to work, a little girl has to work late into the night; it is not always true that they do, but there are many of those, and it does occur over and over again.

I have not known of cases where they worked twenty-four hours or twenty hours. I have known of children who were only three years of age working, pulling apart the petals during the day. It is the simplest kind of work, it is true, and yet no child of three or four years of age ought to be subjected to anything of that kind. The petals come in great bundles of one hundred or a thousand or more. They must pull the petals apart. It is very simple work, but it is work just the same.

I have seen girls who have come from these homes, who have been leading lives of immorality and lives of prostitution. I have known of girls who have told me that they have become tired of work long before it was time for them to go to work; in other words, before they could go out into the factory, simply because they had to work in the home day after day, night after night, and on Sunday; and we know the conditions, the way in which the children are exploited.

I have inquired the prices these girls have gotten for their work. I know that the large bundles of violets are only five cents a gross; over and over again that has been told to me, with all the work that is required, in taking the work from the factory and carrying it back to the factory, and making these flowers. They have shown me long wreaths of sixty-six rose buds in each wreath, which they have had to make, or have made, for ten cents a dozen wreaths.

Mr. ELKUS: How long does it take to make a wreath?

Miss MINER: It takes — of course it depends on the number of different workers and no one worker does the whole. You cannot say. I have seen several little children, putting the stems on and sewing together, another doing the pasting, another doing something else. Sometimes the work is interrupted. It is almost impossible to say how long it would take. Those who have made a careful investigation for over some period of time could tell much better about that. In the investigations I have made, I have not been able to find out just how much labor each one of those would require — that is, how much time it would take. I could doubtless get some figures on that, even from the cases that I have, but I haven't anything with me to-day and have not as adequate data as very likely you have from other sources, of that kind.

I do know the conditions also in the Bohemian homes where the girls and boys have been making cigars in the homes, and where those homes are turned into factories absolutely.

In one of these Italian homes to which I have referred there were six children with two adults, five girls. One girl under my care, over working age, had worked in a bluing factory. She had to work every night after she came home from the factory. All the children worked; eight in the family occupied two rooms, only two beds, the larger children sleeping on chairs. The crowded conditions you have in those homes are the most crowded conditions of any homes in the city. If it is simply a question of giving liberty, individual liberty to the homes, to the family, to the children, which is urged as a reason for not taking these sweat shop work away from the homes we cannot but believe that it is absolute slavery we are permitting instead of any kind of liberty.

The CHAIRMAN: You would favor the absolute immediate prohibition of all of it?

Miss MINER: I would. I think with proper study and proper care for those individuals that are affected — in other words, there is nothing that can be done, really to better the conditions, by inspecting them more fully —

THE CHAIRMAN: There is no question that there is nothing to do but abolish it. The thing is how to do it. Shall we do it at once, or gradually? The mere fact you say some provision should be made to care for those who suffer by its immediate abolition shows there must be some accompanying solution of it.

MISS MINER: There are some of those families that I think you will find are receiving charitable aid. I have referred some to different societies, and some to individual families for health and care, and they are receiving help from the societies, some families where they have given up work. I think it is better for a family to have charitable aid in order to prevent those little girls while they are still in school, coming home at night and sitting up until twelve o'clock, having their eyes sore the next day, looking pale and thin; I think it is much better to let the charitable interests of the city take care of those children than to go on with such sweat shop work.

I believe it is closely related to the whole moral character, because the children are weak in will; as I said they are tired of work before they are ready to go to work and we know that we trace back some of our cases to these sweat shop homes, as well as to the wretchedly crowded homes, because it is a question of crowding, as well. When you put seven in two rooms or five in one room, or twelve in three rooms, you have an absolute disregard for decency, of the ordinary proprieties of life; you have a tendency towards immorality and towards crime.

COMMISSIONER HAMILTON: Do you find in the majority of cases that this work is necessary in these homes for the purpose of getting food and paying rent, or is it done with the idea of laying up money eventually to go back to the old country?

MISS MINER: As one of the mothers said, where there were four or five children working at artificial flowers, it was an Italian tenement: "It is not to put money in the bank; it is just to buy clothes and shoes for the children," and it was true, it was just for clothes and shoes for the children. It was simply because there was not enough in that family to provide for those children.

On the other hand we come again to the deserter and very often it is to help out those families where the husband has deserted

them. It is far better if the State can provide a way by which the deserting husband can be apprehended and put on the island and made to earn the salary, the wage, and that wage paid to the family. It is done in Kansas City and in Boston and other places. If their earnings in that way can be applied and used for the family, it is much better. I think that is possible in some of these cases where the husband has deserted.

Commissioner HAMILTON: You think in the usual case the money earned in this way is a necessity for the family?

Miss MINER: I have only known of such cases. I have not known of any cases in my experience where it was for the luxuries of life, it was for the necessities.

Commissioner HAMILTON: I do not mean for luxuries, but for the eventual return to the family.

Miss MINER: I have not known of those cases. The cases that have come to my attention both in the Bohemian and Italian families have been cases of need.

Commissioner HAMILTON: Those are the nationalities most frequently engaged in this work?

Miss MINER: Yes, I have had much more experience with Italians and Bohemians. In a Bohemian family, the husband was in an insane asylum. The mother had been trying to care for the girls and boys. The girls were fourteen and ten years of age. She not only had her children at work; she had others from the outside that came in to help her, and it was a regular little factory working in the parlor of her home at the cigars.

My opinion has been asked with regard to the proposed bills relating to the extension of the jurisdiction of the Children's Court to prosecutions involving the violation of the Labor Law, and also the truancy provisions of the Educational Law relating to compulsory education.

Mr. ELKUS: Bills No. 23, a, b, and c.

Miss MINER: I approve of these most heartily. It is done in other cities. We know, if we have been in the courts in this city

how harmful it is for the little children, or young boys and girls, to be brought into a Magistrate's Court. It is far better for them to be outside of the environment of the court where there are adults and also to have some machinery for dealing with these individuals, although they are not defendants — the complaining witnesses — they need help, need care, need supervision and oversight just as much as defendants.

Mr. ELKUS: You are in favor of the bill?

Miss MINER: Yes, sir. I think it will complicate the situation here locally. That is the only objection I see to it.

Mr. ELKUS: Mr. Lindsay of the Children's Aid Society opposes them very strongly?

Miss MINER: I have read over the bills very carefully, since you sent them to me. It seems to me, judging from other cities, the experience in other cities, and what I have observed in the Magistrate's Court — that is really all I have to go on — knowing the crowded condition of our Manhattan Children's Court, I fear it would very much handicap the situation, or be very difficult to deal with, if these were to go through just at the present time. I do think as a principle, however, we ought to stand for it.

This I see refers to cities only of the first class. I had an idea it referred to cities of the first and second class when I first read it. I have thought, principally in the smaller cities, especially some of the smaller cities, it would be most desirable, where you have not many children court cases and the children's court judges have the time which they could devote to the special work.

COMMISSIONER DREIER: I think the criticism was that it would make the children's court too formal, and it was supposed to be very informal, and in this way it would make it very formal.

Miss MINER: I do not see how that would be. We have in our large cities formal courts. It is true in Massachusetts there is that informal relationship, because of the small room, but I doubt very much — I think the crowded conditions is the genuine objection to it.

Of course, we are to have now twenty-seven more probation officers in the children's court in Greater New York, and that may help to some extent. It means, probably, another part of the children's court would have to be established. Whether that is done at this time or at a later time, I believe in principle it is right.

The CHAIRMAN: The Commission will now take a recess to 2 o'clock.

Recess until 2 P. M.

AFTERNOON SESSION.

FRANK W. SMITH was then called upon.

Mr. SHIENTAG: You are the chief clerk of the Court of Special Sessions, and are here representing whom?

Mr. SMITH: Representing the chief justice and several other justices of the Court of Special Sessions.

Mr. SHIENTAG: You have had submitted to you a proposed bill extending the jurisdiction of the children's court to cover prosecutions for violation of the Child Labor Law and Compulsory Education Law of the State, have you not?

Mr. SMITH: I have.

Mr. SHIENTAG: You are here presenting the views of the justices of the Court of Special Sessions concerning the advisability of the Commission recommending that bill?

Mr. SMITH: I am.

Mr. SHIENTAG: Will you let us have their views?

Mr. SMITH: The views of the justices of the Court of Special Sessions, and those sitting in the children's court, are that the children's court should be kept exclusively for the trial of cases relating to children alone. The judges have gone to extreme lengths within the last two years and a half, to have it felt that the trial of cases against children were not to be considered in the

sense that they were criminal, but rather to be considered as simply juvenile delinquents, and for that reason all the safeguards that they could possibly throw around each and every case, to prevent any of the children hearing what another child might be accused of, has been done. Therefore, they feel that the trial of adults, no matter what the nature of the crime might be, would be contrary to the spirit of the court as at present constituted.

MR. SHIENTAG: Well, on the other hand you have these children brought into Special Sessions and have no way of safeguarding them there — the complaining witnesses have you?

MR. SMITH: You refer to Special Sessions?

MR. SHIENTAG: Yes.

MR. SMITH: What cases?

MR. SHIENTAG: For violations of the Child Labor Law.

MR. SMITH: No; children are not brought in there.

MR. SHIENTAG: Are they not complaining witnesses?

MR. SMITH: No, the complaining witnesses are the Labor Inspectors.

MR. SHIENTAG: Are not the children brought down to testify?

MR. SMITH: Sometimes a child is brought for exhibition purposes. If there is a doubt about the age of the child an employer might say, "I thought the child was over age," he is brought down there for the judge to look at. He takes no part in the proceedings.

MR. SHIENTAG: The child is there and listens to some of the other proceedings?

MR. SMITH: Not necessarily; we try to keep them outside.

MR. SHIENTAG: Have you got a separate room for those children?

MR. SMITH: We have not any special provision; they so seldom come down.

The CHAIRMAN: When they do come down are they taken care of by the Gerry Society?

Mr. SMITH: No. They sit in the back of the court room with their parent or guardian.

Mr. SHIENTAG: Don't you think some provision ought to be made for keeping those children in a separate room?

Mr. SMITH: I think the suggestion that counsel just makes is a very good one, and I think it will be made.

Mr. SHIENTAG: That provision will be made?

Mr. SMITH: Absolutely.

Mr. SHIENTAG: Is there anything further you would like to say to the Commission?

Mr. SMITH: Nothing further than that, at this time in connection with the labor cases, if I may be permitted to pass a word — just before I came out I took a rough draft of the labor cases received this year; up to date there were 787, of which 693 pleaded guilty, and 49 were convicted, a total of 742 out of 787 received, which is over 94 per cent. Over 94 per cent were found guilty. I do not know how many were suspended sentences.

Mr. SHIENTAG: You do not know the result of those convictions?

Mr. SMITH: I do not; within an hour's time I could have that. In addition to that I would like to state that on the new fire law which went into effect on September 1st —

Mr. SHIENTAG: The smoking provision?

Mr. SMITH: Yes; 99 cases received and 90 disposed of, pleaded guilty, or convicted; 9 remaining.

Mr. SHIENTAG: Do you know how many of those 787 labor cases were children's cases?

Mr. SMITH: No; about three-quarters of them I believe.

I want to apologize for the judges. The chief justice and Judge Wilkins and Judge Ryan are at the convention at Syracuse. That

required the attendance of all the other justices in the court, otherwise they would have been glad to come and see the committee.

MANFRED W. EHRLICH:

MR. SHIENTAG: You appear for whom?

MR. EHRLICH: The New York Child Labor Committee.

MR. SHIENTAG: You have gone over this proposed bill?

MR. EHRLICH: Yes, sir.

MR. SHIENTAG: For the extension of the jurisdiction of the children's court?

MR. EHRLICH: The legislative committee of the New York Child Labor Committee has been over it and approves it very thoroughly.

I would like to read a recommendation of Dr. Maxwell, made five years ago, to fix responsibility for the enforcement of this law by bringing all cases of the violation of the compulsory education law, either of children or parents, before only the children's court:

"There are a number of reasons why this jurisdiction should be conferred on the Children's Court. In the first place, and perhaps the least important reason, is the assistance it would be to the department. There would be only one trial instead of two; they would not have to go before the Magistrate, then again before Special Sessions; the Inspector could bring a number of cases to trial on the same morning and get through and go about his other work. And then a great deal of complaint has been made from time to time that these cases were not properly prepared, and the heads of departments could very easily watch the trials and occasionally send somebody down and see whether there was any fault with the preparation of the cases, and if necessary they could have counsel at the children's court to attend to the cases, and have them on certain days, and bring the cases on to trial then. Then we think we would be getting more vigorous enforcement of the law by trying it before a children's court."

The figures Mr. Smith gave were the figures of the cases that went to Special Sessions, but he of course has not the figures as to

the number of cases that went to the magistrate's court and never got any farther, where the magistrate dismissed them. I have not the figures, but there has been a great deal of complaint from time to time by the departments that they could not get the magistrates to hold the defendants, and I think there must be a great many cases where the complaints were dismissed.

The most important reason for conferring jurisdiction on the children's court is that it would save these children in the labor cases and the compulsory education cases from being taken down to Special Sessions. One of the chief reasons for the existence of the children's court is to separate the children from the real criminals to avoid the contamination of bringing the children into the magistrates' and Special Sessions courts. I think we can prove in a great majority of these cases the child is brought to Special Sessions.

I would like to read a statement Commissioner Sherman, ex-Commissioner of Labor, made some years ago. He says:

"For moral reasons, I strongly advise that the law be amended to provide that, in all jurisdictions where there are children's courts, prosecutions for violations of these provisions, be heard before them because the defendants in such cases are adults they now come before the ordinary Magistrates' Courts. When our inspectors prosecute (in New York City particularly) the usual conditions are that they bring two or three young children into a crowded court room where they have to wait several hours while the cases are prosecuted and drunkards are disposed of within their hearing. And often several such attendances are necessary in each case. The scenes and language of the court room are always unfit for children to see and hear and sometimes are so shocking that if left to my discretion I would prefer to let the children work in violation of the law rather than to expose them to such contamination. All of this could be avoided by diverting cases to children's courts. It is probable also that such a change in procedure would result in a more uniform enforcement of the law."

MR. SHIENTAG: Would not that danger be obviated if there were special rooms for the children in Special Sessions, and they were kept separately until the cases came on?

Mr. EHRLICH: It would be minimized but I do not think it would be obviated. The children would be in the court room during the trial. I do not know how feasible that proposition is; I do not think it has ever been done.

Mr. SHIENTAG: The chief clerk said he thought it was a good suggestion and they were going to do it.

Mr. EHRLICH: I don't know whether they have room; I don't know whether it could be done, it would help no doubt to have the children brought in only for the trial. I imagine, after a short time, it would be found that the Special Sessions Court would not wait until a case was finished; they would send down for the children and the children would be brought in before the case was finished, and probably hear one or two or three cases before it was tried.

The whole atmosphere of the court is bad, and he was only discussing Special Sessions. He did not say anything about magistrates' courts all through the city, where the conditions are much worse, and the children would no doubt be brought before the magistrate and be allowed to stay until their own cases are reached.

Mr. SHIENTAG: Do you know that Mr. John D. Lindsay of the Children's Society says his organization is utterly opposed to the proposed measure and thinks that it would be doing just what the children's court was created to do away with; that is, bringing adults into the children's courts?

Mr. EHRLICH: Well, I understand that the purpose of the children's court was to separate the youthful offenders from criminals. I do not think that merely bringing a child in contact with an adult does it any harm, and while the adults in these cases are employers, who have employed children in violation of the statutes, or parents who have not succeeded in making their children go to school, they are not the class of people whose associations could be harmful to children.

Mr. SHIENTAG: Don't you think that bringing an employer who illegally employs children into the magistrates' court and Special Sessions would be a greater deterrent than merely bringing him into the children's court? That is, he is made to feel

more like a criminal if he is brought into the magistrates' court or Special Sessions?

Mr. EHRLICH: To a certain extent I think that is so; but I think on the other hand he would be prosecuted and more vigorously dealt with in the children's court, before a judge in thorough sympathy with the law; the reprimand that he would get there would be greater than the mere deterrent of being brought into a criminal court.

In regard to the question of the children's court, I should like to read a letter of Judge Lindsey, of the Denver children's court, perhaps one of the best known courts in the country. Judge Lindsey wrote in 1907:

"You know we have a special court after my own heart. I drew the bill myself, and it has jurisdiction to try every kind of a case against the child or a minor and against an adult who has violated a law for the protection of a child or that involves the morals of a child or minor. My own judgment is that we must specialize in this kind of work. We have not found that it brings more cases to court than it did when I was judge of the busiest civil court in the state that was also the Juvenile Court. We do find we can give better attention to them. We also find that the laws for the protection of children are much better enforced.

"I have a desire to see a special court or courts in every city of this country devoted to the protection of childhood and youth. In this court I want to see enforced the juvenile delinquency and dependency laws and all laws pertaining to adults such as the child labor law, school attendance law, that part of the liquor law forbidding the sale of intoxicants to minors, forbidding girls in wine-rooms and disreputable resorts, the age of consent law and all cases of rape upon girls or indecent liberties to children, the sale of tobacco, firearms, immoral literature, etc., and the enforcement of a general contributory delinquent law holding adults legally responsible for the moral welfare of the children in certain cases as well as their physical welfare. Nonsupport cases of children should especially be tried in this court. This is substantially our jurisdiction here in Denver, and we find it very helpful, and somehow I believe that the idea is right and must

eventually prevail, and that every city in this country in time will have such a special court properly equipped with special trained officers with a detention home school, and it will be housed in a separate building all to itself in which will be the Juvenile Court, the Probation Officers, school attendance officers, detention home and school, Humane Society offices, and every public official actively engaged in the defense and protection of correction of childhood under the laws of the state. I expect to see this building connected by telephone with every school and every employer of juvenile labor, and a hearty co-operation between the school and the business man as well as all in official life upon whom the duty or burden rests to enforce any law that involves the person or protection of the morals of childhood and youth.

"I am told by the Chicago Probation Officers that our court here in Denver has got an advantage over them in that while they only try the children we also try all adults who are responsible for children or who violate laws for their protection. I know absolutely that convictions are more sure and certain in cases of adults and then the methods of the Court in handling the adults is more likely to bring about good results than either no results at all or else evil results, as was generally the case under the old system."

The letter seems to show that Judge Lindsey does not regard the trial of these cases as in violation of the spirit or purpose of the children's court.

MARTHA DRAPER:

MR. SHIENTAG: You are a Commissioner of Education?

MRS. DRAPER: Yes.

MR. SHIENTAG: Have you seen the proposed bill?

MRS. DRAPER: Yes; I have seen the bill, and while I am a member of the board of education, I do not represent the board in any sense on this occasion.

I am especially interested in the truancy cases, in the enforcement of the Compulsory Education Law. Lately I have served on a special committee in regard to that subject. A special committee of the board. We have had a great deal of evidence pre-

sented to us by the district superintendents and the truancy officers. I am convinced from all that evidence that a large portion of the truancy cases are due to the negligence of the parents; that in a very much larger proportion of those cases which come before the children's court the complaint should be lodged against the parent and not against the child. In order to do this it is necessary to bring the complaint in the magistrates' court and the attendance of the child on these occasions is required. The judges, the magistrates desire the presence of the children and they have to be there.

It seems to me that under that law the object of the children's court must be defeated if they are required to take the cases into the magistrates' court, and the children have to wait there a long while; they are in contact with the criminal cases and it is very bad for them.

There are two other reasons which seem to me to show the desirability of the cases before the children's court rather than the magistrates' court. One of them is that the judges of the children's court accumulate a great deal of experience and are able to judge of those cases with a knowledge which the magistrate does not have, or can be expected to have.

The other reason is that cases of this kind in the magistrates' court, naturally, seem somewhat trivial. They do not impress the magistrate as of very great importance, and they do not always receive the consideration which they deserve. On that account also I think that it would be most desirable that the cases for violation of Compulsory Education Law, where the complaint lies against the parent, should be brought in the children's court and not in the magistrates' court.

I recognize the local conditions Miss Miner spoke of. The children's court is very crowded, but this is a most important subject and I think it should be considered in that light.

I have no further evidence to give on that subject unless you desire to ask me questions.

Mr. BRENTANO: In connection with such investigation as your board made in regard to truancy, did you find any relation between truancy and work done at home by children?

Mrs. DRAPER: Oh, yes. In many cases, of course, the reason why the child is kept out of school is that it may do work at home. I cannot give any figures of the proportion of such cases, but it is a very frequent cause of the child being kept out of school, that its parent desires it to go to work, or else the child likes to do odd pieces of work and finds it more agreeable than regular attendance at school.

Commissioner BRENTANO: Those are all of the ages when the children under the law are supposed to be at school?

Mrs. DRAPER: Of course it is only under the compulsory school age of fourteen that such cases come to us, unless they have failed to reach the grade of the public school at fourteen which will enable them to get working papers.

Commissioner BRENTANO: That is a fairly frequent cause?

Mrs. DRAPER: It is a very frequent cause, yes.

Miss GERTRUDE BEEKS, Secretary of the Welfare Department of the National Civic Federation.

Mr. Chairman, I am speaking also for my union, and am going to ask that the National President, Mr. Timothy Healy, of the Stationary Firemen's Union, be allowed to follow me for a few minutes, as I am speaking on a type of employees that I think has not been touched upon before your Commission in these hearings, and does not come under the present Labor Law. Those are the employees in our great apartment buildings or office buildings, and hotels. With one slight exception, there is no reference to any of them in our present Labor Law.

The CHAIRMAN: Of course you appreciate why we have not gone into that subject, under the law by which we are created, we have no power.

Miss BEEKS: I did not know that. Is anything I have to say pertinent then?

The CHAIRMAN: Oh, yes.

Miss BEEKS: I am led to do so because of the many thousands of lives that are in danger every day and night in New York

city, due to the long hours of work, which naturally attract a physical type of labor and to whom pitifully low wages are paid.

How many of you know that they have twelve-hour work days in all of these lines to which I have referred, and that with the long distances that they have to travel between their work places and their homes, they have at least a fourteen-hour day. Talk about the future race depending upon the hours of work of women. I believe that it does, to a certain extent, and I would even make the working woman's day seven and not eight hours, and that is not asking more than it is to-day in a factory I could mention.

But our men — the future race depends upon our men just as much as upon our women; and a man's intellect is so dulled by the long work days in the superheated places at present, he cannot attend to his duties properly.

Every building that contains a boiler to-day might just as well be over a powder magazine, just exactly. We have a law requiring that stationary firemen be licensed. There is no penalty in that act, and its enforcement is impossible. Of course that leaves a loop hole for the employer who wishes to pay low wages and not attract licensed men. Licensed men naturally earn as high a wage as \$3 — I say as high — many of these men get \$35 a month. Were the license law enforced, such would not be the conditions.

Commissioner JACKSON: Is that a State law?

Miss BEEKS: Yes, a State law. Upon this subject Mr. Timothy Healy will speak very briefly and give you some details. There is still another type of employees that come under your factory law, but the work day is equally long, and some very cruel conditions are said to exist. I would like to see your Commission prove or disprove these witnesses as it has so wonderfully done in reference to the canning industry, and still, while relating to that, there is no other power that can bring it out so well as your Commission has been able to do in that particular.

We have complaints about this industry on which Mr. Healy will speak. We have also coming to our office such statements as this, that it is impossible, that a child could not make a dozen pairs of slippers in a day of the ages mentioned at your hearings.

We are also told that this statement about trousers at six cents, I believe, a dozen, or something like that; eight cents a pair for trousers, but that is not to make a complete pair of trousers, but simply run all bastings in. Now, if that is true, cannot your Commission bring out in some of those things, look into this thing. We have been hearing these things for a thousand years or more. What are the facts? We have heard it about the canning industry. Let us get the facts about all of these things.

Mr. Elkus spoke to me about taking up the State Welfare Commission. I do not want to take your time on anything you do not wish me to.

The CHAIRMAN: You may go right on.

Miss BEEKS: There was suggested a State Welfare Commission.

The CHAIRMAN: Suggested by Mr. Brentano.

Miss BEEKS: It seems to me that it would be usurping the functions of the Legislature; that is what the Legislature is, practically. Further, what is the significance of the term welfare? It is a long standing and historical one in which the laboring people's conditions are supposed to be improved by the employer. It seems to me unnecessary to create another body which is already practically covered.

There was one point I was asked, if I believed in the designation, male and female, in our Labor Law. I do not. Now that female employees under the Labor Law are prevented, under fourteen years, from working, there is no longer necessity for that designation. We can now discontinue referring to women employees as though they were animals, by calling them females; you may now distinguish between the sexes by saying men and women, and minors of the masculine or feminine sex.

I was asked about the matter of having the chiefs of factory inspection departments and commissioners under the Civil Service Law. The Civic Federation is taking a stand particularly with reference to chiefs of the factory inspection departments and all employees under them.

After we once get a few men trained, it seems a great misfortune to have to go back and take in a new type of those who know nothing at all of the technical side and the mechanical devices. We can easily remove men by bringing charges against them, but it is mighty hard, after you have trained men, to have to put them out and replace them with those who are untrained.

The commissioners of labor in this country are quite ready to come under civil service, as well as the factory inspectors. Then, how should they be trained? The State itself should conduct a training school, and thus a new man who came in could work side by side with the old ones, because it is impossible theoretically to train a man; he must have practical experience also.

Then again the State should conduct a museum of safety with machinery in operation to show how these safeguards should be placed.

Mr. SHIENTAG: There is an American Museum of Safety now, Miss Beeks, is there not?

Miss BEEKS: That is a private organization, yes.

Mr. SHIENTAG: Do you think we are ready for a State museum?

Miss BEEKS: I think we are quite ready for it, in co-operation, perhaps, with that one.

I think, Mr. Chairman, I will simply say, with reference to fire drills, it was stated it would be impossible to have them in department stores. It is quite possible in the morning hours, from 9 to 11, because then there is scarcely any shopping.

My last point is, if I may be allowed to leave with you, our brief, carefully marked, our arguments, for a model safety act, in the interest of the prevention of accidents.

Commissioner JACKSON: Miss Beeks, you referred to the law regarding the licensing of firemen; what chapter is it?

Miss BEEKS: Seven hundred and thirty-three.

Commissioner JACKSON: Not of the Labor Law?

Miss BEEKS: I think Mr. Healy can explain that.

Commissioner BRENTANO: May I ask if your judgment regarding the possible creation of the State Welfare Commission was performed with any knowledge of what was the purpose of the proposed functions of such a commission?

Miss BEEKS: I heard the gentleman who proposed it say —

Commissioner BRENTANO: You were present?

Miss BEEKS: Yes.

Commissioner BRENTANO: Is that the expression of the views of the organization you officially represent?

Miss BEEKS: I was speaking personally on that point.

TIMOTHY HEALY was then introduced.

Mr. HEALY: Mr. Chairman, I am very thankful to be able to be here this afternoon to speak to you in reference to a class of men that need some consideration. The men particularly in steam plants, engineers and firemen who have to work twelve hours a day for 365 days of the year. There are thousands of them in this city and in the other cities throughout this State.

Mr. SHIENTAG: Do you mean to say that there are thousands of men in this city who work twelve hours a day every day in the year?

Mr. HEALY: Yes; and some who work fourteen hours a day, which I will show you in a few minutes.

Nearly all our great office buildings and hotels and public buildings generally — that is private; I do not mean the city buildings — work twelve hours a day and factories also.

Large concerns, such as the Standard Oil Company that run every day in the year. The plant in Greenpoint, Long Island City, the smoke goes up the chimney Sundays just as well as Mondays in those buildings and plants, and the conditions under which the men work are pretty hard. Probably the best explanation of that we can give is a complaint that I made some months ago to the State Department of Labor.

Mr. SHIENTAG: Where is this factory you speak of Mr. Healy?

Mr. Healy: Greenpoint, Long Island City; the Greenpoint section of the Standard Oil Company and other factories throughout the city. I refer now to engineers, firemen and watchmen in factories of all descriptions throughout the country where they work twelve hours a day.

In a letter to the Hon. John Whalen, State Factory Inspector, October 9th I made this complaint: "The conditions under which the men have to work for the Standard Oil Corporation is something awful. They work in two shifts, ten hours a day and fourteen hours at night, working around hot furnaces without any shelter whatsoever with heat, snow, hail and rain beating down on their bare backs, and they have not even a place to change their clothing. The result is that many of them go home in their wet and dirty clothes, and wash up and dry themselves as best they can in the miserable tenements that they reside in.

Mr. SHIENTAG: Have they not got a welfare department in that corporation?

Mr. HEALY: No, sir; nothing there but hard work and drudgery. They don't believe in welfare there. The sanitary condition throughout the entire system is a disgrace to the city of New York.

I want to say, in reference to welfare, that in my anxiety to do something for these unfortunates, I got in touch with the Hon. Seth Low of this city, as President of the National Civic Federation, and asked him if he could not help us in any way. He wrote to Mr. Pratt, Chairman of the Standard Oil Company of New York and New Jersey. He got a reply stating that that company preferred to do business directly with their own employees.

Now, I got reply to this complaint that I made from that department; Mr. Williams' department has gone into the matter as far as they could, as far as the law permitted them to go. They reported letter dated September 14th, signed by Thomas H. Keith, then clerk of the State Factory Inspectors. He says

the men work in two shifts of ten and fourteen hours that are over eighteen years of age, therefore there is no jurisdiction. They worked ten hours when they are on days, and fourteen hours when they are on nights.

Now, I want to say, Mr. Chairman, and gentlemen of the Commission, it is about time there was a change, when the Standard Oil insists on working their men fourteen hours a day, and there is no relief for them. They did work them, up to a few months ago, they worked men twenty-four hours straight. A man went in at seven o'clock Sunday morning and worked until seven o'clock Monday morning. He went home and came back at four o'clock in the afternoon and worked fourteen hours straight. During all that time he got ten hours off.

I have known these men to go home, take their pint of beer and drink it and lay down without putting a drop of water on their dirty faces and go back to work just as they left there.

Those are the conditions that exist in the Standard Oil plant. I am not going into the dirty surroundings, the unsanitary conditions, and such like, which are described here in the report because that part of it the State Factory Inspector has jurisdiction over, and is going to take care of.

Mr. SHIENTAG: After you called his attention to it?

Mr. HEALY: Yes. I do not think that they knew that the place existed, although there were thousands of men employed there, before their attention was called to it. The only reason they cut out the twenty-four hours was that they were afraid they would have a strike on their hands; and they would have had it if I could have brought it about, if it could not be straightened in any other way.

Mr. SHIENTAG: What wages do they receive?

Mr. HEALY: Twelve dollars a week to \$15. The skilled men get as high as \$2.50 or \$3 a day. The skilled firemen get \$15 and \$17.50 for twelve hours a day.

Mr. SHIENTAG: Seven days a week?

Mr. HEALY: Seven days a week. There are men outside of that concern in the city that are working in hotels and office buildings for from \$30 upwards, and working twelve hours a day.

The License Law as to stationary firemen, the License Law that Miss Beeks referred to, was enacted, chapter 773, an act to provide for the licensing of firemen operating steam boilers and became a law May 13, 1901. That has been ignored. The enforcement of the law is in the hands of the police department. For some reason the police department don't bother about it. The employers don't want it because if the men are qualified to stand the examination they will have to pay higher wages.

The only solution I can see for this, and what I would recommend, knowing conditions as they are — I could take up an hour of your time, but it is not necessary. I think what I have quoted is quite sufficient, because the thing is all over the city and all over the State for that matter. We have been talking about women and children, and I have been as active in the interests of women and children and shorter hours and better conditions as anybody — I would recommend for men a ten-hour work day for six days a week — ten hours a day for six days a week, giving one day a week off.

Mr. SHIENTAG: What do you think the Supreme Court of the United States is going to say to that?

Mr. HEALY: Well, I do not know what the United States is going to say, but let us have the law enacted and if they throw it out, the time will come when we will throw them out, and we will have the law any how.

Commissioner PHILLIPS: I was going to ask your views of the one day's rest in seven law as applied to your men, but you have just referred to that.

Mr. HEALY: Yes.

Commissioner PHILLIPS: You favor that in your organization?

Mr. HEALY: Yes.

Commissioner PHILLIPS: One day's rest in seven?

Mr. HEALY: Yes.

Commissioner BRENTANO: Mr. Healy, do you happen to know how many men are engaged in the greater cities as stationary engineers and stationery firemen?

Mr. HEALY: We have in the city in the neighborhood of 14,000 stationary engineers, and I should judge about 21,000 or 22,000 stationary firemen.

Commissioner BRENTANO: In other words about 34,000 all told?

Mr. HEALY: Yes.

Commissioner BRENTANO: Out of that entire number of 35,000 people engaged in those employments, how many of them have to work these long hours do you believe?

Mr. HEALY: Fully 27,000 or 28,000. There may be seven thousand or eight thousand or nine thousand who work eight hours a day.

Commissioner BRENTANO: The balance are all engaged long hours at these small wages?

Mr. HEALY: Yes.

Commissioner PHILLIPS: And work Sundays?

Mr. HEALY: Yes.

The CHAIRMAN: Where they have an eight-hour day, is that where the union —

Mr. HEALY: Where the union has been able to get it, and in the municipal plants, where there are 1,750 firemen, where the law provides for it.

The CHAIRMAN: Is the Standard Oil non-union?

Mr. HEALY: Oh, yes, naturally; no union there. John D. won't stand for it.

The CHAIRMAN: Do you know of any other concern that has a similar labor condition?

Mr. HEALY: There are, in that section of Greenpoint and out around Bristol, those different works, I am not so familiar with those works.

Commissioner HAMILTON: Do you know any other particular concern besides the Standard Oil Company where these conditions obtain?

Mr. HEALY: No, I could not say positively; but there are small concerns in that section where they work twenty-four hours.

Commissioner HAMILTON: You don't know of any other besides the Standard Oil Company?

Mr. HEALY: Yes, and office buildings and hotels and so on.

There is one thing further in reference to that, where men are working about stills and in hot places, where they have to work in all kinds of weather, and the factory department has no jurisdiction over them. There should be a covering of some kind for the men.

FRED S. HALL was then introduced.

Mr. SHIENTAG: Whom do you represent?

Mr. HALL: The New York Child Labor Committee.

Mr. SHIENTAG: Have you gone over the proposed bills the Commission has issued with reference to child labor?

Mr. HALL: I have.

Mr. SHIENTAG: We will be very glad to have your views concerning them.

Mr. HALL: In five minutes I would like to make three points in regard to the bills discussed early this afternoon for transferring all compulsory education and child labor cases to the Children's Court. We believe it is consistent with the ideas of Children's Courts to have it so arranged. All the tendencies in the matter of courts as in the matter of business, have been to centralize it and specialize it. Take it now, in the matter of courts we have created a domestic relations court to specialize in

that one kind of cases. We have separated civil from criminal trials, years ago in this city, and then in Washington we have recently created the much maligned Commerce Court. The purpose of it was to have specialists who could specialize on one type of case.

There is a very decided reason why it is an advantage to have a child who is charged with truancy take his case before the same judge that tries cases as to the matter of the father of that child who has let him be a truant. You will realize that these two things run right into each other. Why? A child stays away from school. Whose fault is it? If it is because the child's mother is unable to keep that child home then the law applies itself to the child, but if it is the mother's fault or father's fault — if he does not do his best to send the child to school then it is the parent's fault. The absurdity of our present position is that we try those cases in two separate courts. They are not intermingled. The dividing line can hardly be drawn in certain of these cases and the case must be tried, if it is a case against the child, and it becomes evident the mother is at fault, do you realize what it means? It means that that case must be begun all over again, and the judge that has the information and the knowledge of the case, his knowledge is all thrown away and a new judge must take the thing under advisement. That we believe is contrary to the modern spirit of conservation of energy and business efficiency. By having specialists on this one job we will get a higher grade of service.

It is not that we are attacking the magistrates for what they have not done, but simply in pure theory we believe it is the right way, and the gentlemen of this Commission are given an opportunity to have the right laws put on the statute books.

When a case of compulsory education comes up, there is rarely a dispute as to what the facts are. It is a matter of the school teacher's record that the child was away so many, such and such days. It is not a matter of fact disputed, it is a matter of extenuating circumstances. Some one has got to obtain special knowledge and skill in understanding all these extenuating circumstances.

What is the chief difficulty? It is poverty. The parent claims he has been too poor, and the child has had to stay home to

help mother or because some child is sick, did not have shoes, and the judge listens to those circumstances, dismissing or holding the parent as he sees fit.

That is a thing on which far greater efficiency and skill in understanding how far you shall give cognizance to these extenuating circumstances, are required. If one set of judges hear this regularly, say every Saturday morning, or every other week, however it may be, they become experienced, it becomes regularly the question whether a relief society of some sort stands ready to help that mother to keep the child in school. The parent says she has applied and has not got help. When that question is centralized in one court, we will find out who is at fault. I believe the large charity societies will not allow a child to stay away from school because it refuses to give the necessary help, shoes or what not, the help in the home, to allow that child to go to school. When that is entered on you can give a publicity to these cases which they do not have now, scattered in twenty or thirty or forty places.

My final point is that it will conserve the time of these officers. Dr. Maxwell has been pegging for years for an increase of twenty or thirty attendance officers. See where they are wasting their time to-day. They scatter themselves in the Magistrates' Courts all over the city, and sit there waiting for their one case or two cases to come up. Suppose instead of that one man were given the power to take these cases, and counsel could take these cases in the Children's Courts, then one set of cases could be heard at once with dispatch to the court, saving time.

Mr. SHIENTAG: Is that all?

Mr. HALL: That is all on that bill.

Mr. SHIENTAG: Do you want to take up the other bill?

Mr. HALL: Yes; the bill, second bill which will transfer the inspection of stores in the up-State cities to the Department of Labor. Those that are in this city know what a tremendous change for the better has taken place within the last two or three years, when that transfer was made in this city. It is only logical, and our committee has been glad to second the motion

when we have seen that motion in the form of a bill of this committee, that the power of inspecting stores in the up-State cities be placed in the same hands that now inspect factories in those cities.

Mrs. FLORENCE KELLEY was then introduced.

Mr. SHIENTAG: Will you give us your views on the proposed child labor bill?

Mrs. KELLEY: I did not know that Mr. Hall was going to speak, and he has very well said all I wanted to say in behalf of the Consumers' League. The improvement in the condition of the children in the stores in this city, after they came under the control of Mr. Gernon and his deputies was very conspicuous. The only reason that we have not heretofore urged the extension of this provision to the other cities was that his staff was so inadequate. His staff has been so small that it could not perform adequately and often enough the work of inspection with which he was charged; and to ask to have Syracuse, Utica, Albany, Schenectady and Troy added to the territory given to these inspectors was simply to make their difficulties greater.

But now that there are to be increases in the staff, I think no more important duty could be entrusted to some of the new inspectors than this extension of the work in the stores of those cities.

I have myself seen very great overwork of children in Syracuse within a year — undue hours of labor, and children at work whom I do not believe to be fourteen years old; and I have not seen a similar overworking in this city since we have had the regular inspection of stores. I have seen the same thing in Albany.

I want to say a word, if I may, in regard to the provision that the children shall submit to a health examination when they are at work. Unless there is a large increase in the medical staff of the Department of Labor, I do not see how that could remain anything but a dead letter, as it has been in Massachusetts. They have had the requirements for several years in Massachusetts that employees under the age of eighteen should be subject to physical

examination by the inspectors of the State Board of Health. That has largely been a dead letter for want of a sufficient number of inspectors.

What is the proposal in regard to increasing the staff of medical inspectors?

Mr. SHIENTAG: They are increased from one to five.

Mrs. KELLEY: I can't see how, with that number of physicians, this could be anything but a dead letter provision.

The CHAIRMAN: If experience shows we need more, and they are necessary, they can be added. Every once in a while some suspicious individual criticizes us and accuses us of attempting to create offices for the sake of the offices. If experience shows more are needed, then the Legislature says you can give them more. We want to begin somewhere rather than simply stand still.

Mrs. KELLEY: Yes; but I think it is very demoralizing for a department to have an infinity of duties and an insufficient staff.

The CHAIRMAN: You recommend that we ought to increase it?

Mrs. KELLEY: I think there ought to be a specified number of physicians, bearing some relation to the number of working children, if this duty is to be laid upon the department.

Mr. SHIENTAGS: It is not made mandatory by this provision. It simply provides that a medical inspector may require a child to submit to physical examination. At present the medical inspector really has not that power. He has done it on one or two occasions, but claims he has not the legal right to demand that a child be examined after a working certificate has been obtained. Now, if an inspector goes into a factory and thinks a child is physically unfit, he would have the right under this law to compel the child to submit to an examination, and to revoke the child's working certificate if necessary. There is no mandatory requirement in here that there shall be a physical examination of all children employed in factories.

Mrs. KELLEY: It seems to me the same thing could be achieved by requiring the child to produce a certificate from the examining physician of the local board of health.

The CHAIRMAN: We have that now.

Mrs. KELLEY: This is after he is employed.

The CHAIRMAN: An inspector will go through the factory and look at the children; now he has not any power to compel any child to undergo a physical examination. It is to give him the power to pick out the child and say, "I want him examined."

Mrs. KELLEY: If the official were given power to refer that child to the local board of health, from time to time requiring it to produce a certificate after it has its working papers, whenever it seemed to an inspector to be out of health, I think this would be better.

Commissioner BRENTANO: In this case, where certificates of health have been given, but notwithstanding, where the officer believes there is an evidence of unfitness on the part of the child to perform its work, he then asks for the examination.

Mrs. KELLEY: I understand.

The CHAIRMAN: Isn't it just as easy for the medical examiner, the doctor, to make his examination at once, rather than send the child to some local board of health? He can do it right there.

Mrs. KELLEY: They cannot ordinarily in factories. There is ordinarily no place; the facilities are not there. That is one reason for the failure in Massachusetts. There is no provision in the law that there must be a room in which the child suspected for instance of having tuberculosis could be examined.

Mr. SHIENTAG: Most factories are required to have dressing rooms, or have an office of some kind in which the child may be taken.

Mrs. KELLEY: My only point is as a general proposition, I think it is a bad thing to put duties upon a staff insufficiently equipped, because it demoralizes the staff and the public. If we

are going to place an added burden upon the Department of Labor, we ought to provide there shall be a place to make the examination and a sufficient number of physicians to make it not a dead letter law.

MR. SHIENTAG: We will ask Dr. Rogers, the Medical Inspector of the Department of Labor, to give us his views on that law.

DR. CHARLES T. GRAHAM ROGERS:

Mr. Chairman and members of the Commission, I had intended to speak on some of your bills, but I will take up that point that Mrs. Kelley spoke about. I want to speak on that especially, that is the physical examination of children. At present we have no jurisdiction, no power in the law to make a physical examination of children. Up to the age of fourteen years when the child is in the school, he receives the benefit of every specialist known. His, or her physical condition is followed up, particularly in cities of the first class, from infancy to the time that they are required to have a certificate to go to work or to graduate from school. From that time on the physical condition of the child is absolutely lost. No thought is given to it at all. Even in the clinics and dispensaries or the hospitals, there is no special provision made for children over the age of twelve. After they get to be twelve years old, they are simply mingled in with adults. We have no statistics, nothing to go on, no special examination made. All that we have to rely on are these examinations of the schools.

The majority of children go out from school and go to work. There is no provision that they shall be physically fit for the work they are to enter upon. The law simply requires that they have an employment certificate from the Department of Health or the local health officer, and the examination which is given is merely perfunctory. Now of course in cities of the first class we have most of that; but I have fortunately been able to make physical examinations in factories, until recently, when a number of manufacturers realized I had no power, and I had to stop it.

I have found considerable discrepancies in some of the certificates. I believe that we should have power to make a physical examination of these children.

Mr. SHIENTAG: Have you found children physically unfit working in factories?

Dr. ROGERS: I am going to speak of several instances. In my annual report to the Commissioner I have cited a number of cases. One I will cite, in which during my examination of the potteries industry, I found a boy fifteen years old who had not fully recovered from typhoid fever. He was in what should have been the convalescent stage of typhoid fever and should have been home. That boy was running slips in the pottery, a very dusty industry, and putting handles on to the cups. The boy was anemic, and absolutely unfit to continue in this sort of work, yet that boy was legally employed and we had no power under the law to order the boy to go home.

In another industry, take for instance the glass blowing industry, where glass bottles are made, which in my opinion should be under the prohibited trades of children, I have seen several boys in that industry, legally employed, and yet in my opinion, and the opinion of any good medical man, they had no business to be in that place at all; large quantities of fine dust, glass dust, floating around in the air, yet that boy was working there under the law. We could not force them to remove that glass dust; it was not created by machinery, and could not force that employer to allow the boy to go home, because he had a working certificate and was legally employed. Yet, if we had a law that permitted me to make a physical examination, and to say that the child was not physically fit, we could simply have that child sent home.

I advocate the bill that gives us that power. Mrs. Kelley states it will take a large number, a great many official examiners. That is true. I am rather in favor of a provision something like the British factories have, where they have what is known as certifying surgeons. They are designated by the department in each locality, and when a question arises as to the physical fitness of a child to continue and work, the inspector immediately notifies the child to report to that certifying surgeon, and he makes an examination. That is one of the ways we could get around it.

If we increased the medical force of the Labor Department merely for the physical examinations, we would have to have a considerable number of inspectors.

I want to cite another case showing the need of physical examination of children. In an incandescent mantel factory — I spoke of that before the Commission once, where children sit in a frame, probably twenty or thirty feet long, lighted with these gas flames, probably ten or twelve, the frame is probably six or seven feet wide and these children are sitting right in the midst of escaping illuminating gas, which contains large quantities of carbon monoxide, a most dangerous poison, because it destroys the blood cells. The children are legally employed, because they have working certificates, yet it is work I would very much hesitate to put a robust man in to work at. Even there is a case which is under the law, and we have no right to order an exhaust system for the removal of gas. We have no law to permit us to make an examination of the children.

Mr. SHIENTAG: What would be the effect of the proposed bills?

Dr. ROGERS: We could stop this. This of course takes in another question, the question of bills for ventilation. With these two bills we could eliminate a great many of those now known as dangerous trades. A great many of those dangerous trades could be made safe by the use of proper safeguards; some of them where the fumes of gases, vapors and dust could be safeguarded by proper exhaust systems. Certain others where it is machinery. can be safeguarded by the application of guards, which of course the mechanical engineer can speak of.

Mr. SHIENTAG: You approve of the proposed bills?

Dr. ROGERS: That is the reason I cite these cases because I think the department should be given power to make these physical examinations. The work of the medical inspector in the department deals entirely with the health and welfare of the worker. and yet he is in the department, without any tools, so to speak, to go to work.

Under dangerous trades, a number are not included in here. that I think should be included. I think we should have a law as the French have it; that is that children should be permitted to work only up to a certain amount of labor; that is in the lifting

of weights, the French will specify a certain kind of child, of certain age, shall lift a certain weight, and shall not go beyond that. That is worked out on scientific investigation, and is perfectly practicable, and those are in last year's report of the Commissioner — a copy of the French law on that.

Commissioner HAMILTON: Can they enforce such a law?

Dr. ROGERS: They have inspectors.

Commissioner HAMILTON: It must require an enormous number of inspectors.

Dr. ROGERS: Not necessarily. Over there in France they have a council of hygiene and a delegated medical man to go in and make these examinations. He has the same powers as the factory inspectors here.

Commissioner HAMILTON: In the city it would require a very large number of inspectors.

Dr. ROGERS: Yes; but I think the Inspectors in a great many cases, as in the proposed bill, should have the power to call on the medical inspectors to make an examination of certain conditions. As it is now, it is pretty hard; some of the inspectors see conditions, but they are powerless to do anything. They make a recommendation but even the department is powerless to come in and remedy the conditions because there is no section of the law covering especially in the matter of dust. Even in the new law it says "Remove all dust at the point of origin." At present we have no law at all, except dust creating machinery, but we have a number of industries, such as sand dusting in the lithographing industry. In the glass blowing industry there are a number of processes in which lead is used; the same thing with the human hair industry, the pottery industry, where glazed tipping is done. In the cleaning of clothing we have the use of benzine and naphtha, and I have seen several cases of benzine intoxication among young girls just over sixteen years, and yet under the law we cannot do anything.

Commissioner HAMILTON: Is that a dangerous condition?

Dr. ROGERS: That is a very dangerous condition.

Commissioner HAMILTON: Is the injury permanent?

Dr. ROGERS: It is liable to cause a permanent condition, constant exposure to it. I have seen several cases of young girls suffering from a cardiac attack simply from benzine fourteen hours after they came home.

Commissioner DREIER: Would you prohibit their working at that?

Dr. ROGERS: I would not say that. I say it can be safeguarded by the proper application of an exhaust system. There are instances where I would emphatically prohibit the work of minors and females, and those are industries wherein dangerous compounds and lead and arsenic are handled, and where the dust removal systems will not safeguard a worker from that.

I would like to see the night work of women prohibited; I am in favor of that bill.

Mr. SHIENTAG: You are in favor of the prohibition of night work?

Dr. ROGERS: Of women. I have worked all night and slept in the day and I know what the effect of night work is, and anybody who has ever done night work knows what the effect is. If you have observed people who have worked at night, you will find out there is quite a difference between night workers and day workers in their physical condition.

Night work, so far as I have seen it, has been mostly in industries that are dangerous — the textile industry and in one instance the pearl button industry, women continued to work all night.

In foundries I think the core rooms should be separated entirely from the ovens if the women are to work. And I do not think that minors should be permitted to work in a core room. I do not think core work in a foundry is any work for women, or any work in a foundry. It is not an over pleasant work, and they cannot always have a clean core sand. That sand will be mixed up with one reason why I think the work of women in foundries should be absolutely prohibited.

Commissioner DREIER: Do you think it would entail a hardship on the part of the manufacturers?

Dr. ROGERS: I do not see why. They could have the young males do the same work that the women do. I have made cores, and it is not a very hard task but it is a rather dirty task. I think it is much better to have male minors do it than to have women do it, and they could get male minors to do it. If they want to have them learn part of the foundry business, of making cores, they could start them in making cores just the same as on the foundry floors helping the moulders.

Commissioner HAMILTON: It would mean an increase of wages would not it?

Dr. ROGERS: I think it would.

I believe that a law that requires safe head dress and special aprons for certain work is very good. There are accidents happening every day around belting running the shafts and machines; by a girl's hair getting caught. Large manufacturers who have installed welfare departments, insist that the girls have head coverings and aprons. I think legally that should be required in certain industries. On the question of natural lighting, there is always a tendency to crowd down towards the natural light. We do not seem to have gotten any where at all toward overcoming that condition. I believe the only way we can break that crowded condition, is by definitely prescribing a certain amount of floor space, floor area for each person. When we do that we can prevent overcrowding. If we simply say so many cubic feet of air space, if the ceiling is high they can crowd together; if it is low they can get apart.

If you say on a floor there shall be only so much floor area to a person, and they simply have to keep that much apart, it will help in places where there is only a window at each end of the floor, and they are more likely to put artificial illumination in so as to have the maximum amount of help there.

Commissioner DREIER: Can you say how much floor space?

Dr. ROGERS: No, I have been thinking that over and have not come to any definite conclusion. I should say a square area of five or six feet. That would also be a good factor in ventilation, because these body materials tend to cling around a person no matter

how much ventilation you have, it will not drive the contamination away from the people. You have to have artificial means of spreading the air among them.

Mr. SHIENTAG: Perhaps the occupancy bill will help some, will it not?

Dr. ROGERS: It will, but I think that could be even more drastic, by requiring a certain amount of square area.

Mr. SHIENTAG: Have you taken up the employment of women in the coreroom?

Dr. ROGERS: Some years ago I took that up, but I made no special report on it. I do not know as there is any other condition, except wood alcohol in dangerous places, lacquering. From my observation the children working in lacquering —

Mr. SHIENTAG: Young children working in the industry in which wood alcohol is used?

Dr. ROGERS: Yes; there is no provision prohibiting children over fourteen years old doing lacquering. There is no provision which requires that we must have an exhaust system.

Mr. SHIENTAG: Have you seen any young children doing that work?

Dr. ROGERS: Yes.

Mr. SHIENTAG: Girls?

Dr. ROGERS: Mostly girls in lacquering in the large establishments. It is in the large establishments I have found the best conditions; there they put in exhaust systems. A few of the smaller establishments are following suit, where they see what the large establishments have done. We take a photograph and show them, and as a rule they will do it; a great many of them say we would sooner fight than do it. The law is not explicit. When we get into court, the judge will say, "Well, is there any specific thing in the law which says so and so?" We have to admit there is nothing, and we lose out.

Commissioner DREIER: Have you said anything about the physical examination of bakers?

Dr. ROGERS: No, I did not take up the physical examination of bakers, but I would very much like to see a law where we could have a medical examination of bakers, but I doubt if we could get jurisdiction to do that. Probably the Supreme Court would say a man was a free agent, and we could not make him submit to an examination.

Mr. SHIENTAG: If it is clearly a health measure, as in the case of the physical examination of bakers, I have no doubt it would be sustained.

Dr. ROGERS: I think in certain industries we should require that the industry itself have a medical examiner attached to it, as in certain color works and certain industries, where there are known poisonous elements; a periodical examination be required, and the Department be given power to have medical inspectors going around, and if cases are reported to make an examination of all the workers in that industry, because it is clearly proven it is a menace to life.

On the bakery question, of course I would very much like to see that. I think the same thing should be true in all cases where food products are manufactured, so far as the law would permit us to intrude; but I would like to see the law.

Mr. SHIENTAG: What do you think of the prohibition of cellar bakeries?

Dr. ROGERS: I think we should prohibit cellar bakeries; not that you cannot make a cellar bakery a very good bakery, but where you are going to have 75 or 80 per cent. of the conditions bad, I think the best thing is to prohibit.

It is no place anyway. I do not think a cellar basement is any place for any manufacturing purposes whatsoever. I do not think that anybody should be required to work eight or ten hours a day in any cellar, even in the department stores. I don't believe that the girls should be permitted to work down there all day. I think they should be shifted. The absence of some light is clearly

seen on everybody, and anybody who works in a cellar gets that pale appearance; it is simply like being in jail all the time. I would be in favor of the absolute prohibition of cellar work. It is a hard matter to supervise it, and I think that wherever such work can be done, it should be done above the ground, and it is no economic law or no economic hardship at all to prohibit cellar work or basement work.

Commissioner BRENTANO: Do you believe it would be an advisable step to require an examination annually of all persons in any factory employment at all, an annual examination?

Dr. ROGERS: I feel that if we are going to conserve the health of our workers, there is only one way to do it; that is, to follow out our physical examinations. If we start it in childhood and follow it up to the time of leaving school, we should continue it, because it is upon these physical examinations that we are going to get statistics upon which to base proper and sensible labor laws. If we are going to know whether an industry is harmful or not, we can only know by making an examination of the workers. We must examine the workers from the time they go in until they go out, and base the statistics on the conditions of the inspections and condition of the work, which must be done by competent individuals, and to make regulations so we can prohibit or at least modify certain conditions, so that the work will be healthful.

Commissioner HAMILTON: What will be done with those suffering from some disease that is probably a danger to the public?

Dr. ROGERS: I think we can find labor that will be suitable to them and not detrimental to the public.

Commissioner HAMILTON: We have to take those all into consideration.

Dr. ROGERS: Those of course are future economic problems pretty hard to decide now.

The CHAIRMAN: They are presented all the same. We cannot go ahead and offer some legislation that is going to bring about a

certain situation without having something in mind to meet the situation.

Dr. ROGERS: I think we will have to go slowly, and I think if we start in by taking the minors first, we can get legislation covering the minors; gradually we will get something for the adults. We will conserve the health of the adults by protecting the minors. I feel we are not giving the minor worker enough consideration; that the medical aspect of the minor is entirely lost sight of, and in my opinion it is one of the greatest problems, and a problem to which we should give very great thought. I believe the Labor Department, as well as the Health Department, should be given more power in the examination of minors and the recommendation of work for certain minors. I think the Department of Education should take this matter up as the Germans do; there in the Department of Education they attend to deciding what industry a child is fit to work at, and explaining to the children the dangers of the industry, and explaining to the children in the schools that there are certain safeguards, that when they get in the factory they should not throw back the guards from a gear, or throw a guard from a buzz-saw, or throw exhaust systems to one side; they should be taught in the schools that these things were put there for their health, and when they get into the factories they would use them, and save the labor inspectors a great deal of trouble, and save the legislators a great deal of trouble.

I think one thing we are very lacking in is the co-operation of the Department of Education in industrial hygiene and industrial education.

My experience is that if we have physical examination of workers, they will take to it, and you can explain to them that certain work is better for them, and the psychological effects will be very good.

MOSES TANENBAUM, fire insurance broker, was then introduced:

Mr. SHIENTAG: Have you considered the proposed bills the Commission has issued?

Mr. TANENBAUM: I have before me your proposed bills Nos. 3 and 4.

Mr. Chairman and Gentlemen: Referring to proposed bills Nos. 3 and 4, and while you have considered very carefully the installation of automatic sprinklers, I think you have failed to provide provisions which would assist the sprinklers in performing their functions.

A gentleman preceding me referred to the question of benzine, alcohol, and other light chemicals endangering life. There are some acids and all coal oil products, exceedingly dangerous and explosive, and the proper legislation should be included in two of these bills, three and four, to prevent their use in manufacturing establishments except when safeguarded. There are a great many inventions now in use which can be procured and purchased at a nominal sum — I am not interested in any of them — which can be installed in the factories, which will restrict the danger of explosions, or persons being injured or burned.

This morning's paper referred to a fire yesterday in a dyeing and cleaning establishment in Brooklyn, where some employees had to leap for life through the careless handling of benzine. There are any number of devices in the market which would tend to reduce this hazard — I have struck off the names of the manufacturers — which can be purchased and used at a nominal sum in a manufacturing establishment, or even in the home, whereby the danger of the atmosphere coming in contact with these explosives is removed.

Mr. ELKUS: What is your idea, to compel people to purchase these?

Mr. TANENBAUM: No; I claim in all manufacturing establishments, where human life is employed, alcohol, all benzine and all coal oil products should be handled to a limited extent, and kept in safety devices to avoid explosion.

If you could adopt or interline in your proposed bills a provision which would compel the manufacturers who manufacture articles that require these things for cleaning, for instance, in a dyeing establishment or clothing establishment, to protect their workers from benzine, benzoin, alcohol, or any other coal oil products or acids, in the same manner as you have a law to-day

on the statute books whereby a drug store is compelled to label the article if poisonous; you ought to restrict the manufacturer from selling these except under certain restrictions.

Mr. ELKUS: Are these samples of the different receptacles (referring to exhibits produced by the witness)?

Mr. TANENBAUM: They are receptacles that the underwriters recommend, and make an allowance in the insurance rates to owners where they are used.

Mr. ELKUS: May we have these?

Mr. TANENBAUM: Yes. I am referring more specifically to the safeguarding of alcohol, benzine, coal oil products and acids.

When a girl handles a bottle of benzine near a gas stove, it is liable to explode. If it is in a safety device, the chances of explosion are reduced to a minimum.

I notice likewise you have not made provision, although I do not know as it is within your province—which will make both the employee and the employer responsible, or criminally liable for smoking in manufacturing premises.

Mr. ELKUS: We have passed such a law; the law is on the statute books and is being enforced. The head of the fire department said that they had had a great many prosecutions.

Mr. TANENBAUM: We have come across a case in a piano factory, in the last few weeks, where we caught the employee, after the fire, smoking the cigarette which caused the fire.

Mr. ELKUS: He was still smoking?

Mr. TANENBAUM: Still smoking when the fire department got there. If the bill is passed, they ought to be posted in the factories.

Mr. ELKUS: There are. The fire department has posted them.

Mr. TANENBAUM: You have a provision for punishment in the subway for smoking?

Mr. ELKUS: They have punished a number of people for it; fined them.

Mr. TANENBAUM: In your proposed bill you have a clause requiring the owners to install sprinklers. In the City of New York, and probably in a great many other large cities, an owner frequently leases his building to a tenant for a period of twenty or twenty-one years, as Mr. Elkus knows, under fixed charges. You fail to provide in that law a provision whereby the tenant or the owner should be obligated to install these appliances.

Mr. ELKUS: You cannot do that. We cannot discriminate and say who shall do it.

Mr. TANENBAUM: The law distinctly says the owner.

Mr. ELKUS: If the owner has protected himself by lease, that is all right. Those leases all contain provisions that if the owner is required to do anything by law for the safety of the premises, the tenant must do it.

Mr. TANENBAUM: I find you have failed to provide any condition in order to prevent an opening between two buildings, one a manufacturing building and the other one not a manufacturing building, where there may be a large opening; one employing help, the other not.

I think you should have an amendment, providing that where a building communicates with another building, unless by double standard fire door, that the adjoining building must likewise be provided with sprinklers, or that communication closed.

Mr. ELKUS: We will consider that.

Mr. TANENBAUM: I am speaking now from experience. Only a week ago a building in Newark was destroyed, and the standard doors saved the adjoining property from being destroyed.

You have made no provision for restricting the nature of the manufacturing in buildings in congested centres. I recommend that such hazards as manufacture of celluloid, rubber cement, etc., where there are enormous quantities of gasoline stored, should be prohibited from being alongside of a manufacturing building, by a limitation of 150 feet. You have a law where there can be no saloon within 150 feet of a church. Take a building in which celluloid is manufactured, and you have got adjoining this building where the celluloid is manufactured, two

or three hundred girls employed, and let an explosion occur from celluloid, you have a panic.

If you are taking up the subject of fire prevention, you can place a restrictive clause segregating certain hazards.

Mr. ELKUS: We will consider that; that is a very good point to raise.

Mr. TANENBAUM: If you cannot do it there is no use of wasting time.

Mr. ELKUS: We cannot do it now; I mean we cannot do it at this time; we can do it later.

Mr. TANENBAUM: You have a case in 577 Broadway, ten years ago, Henry Newman & Company, a celluloid explosion occurred, at three o'clock in the afternoon, and men and women had to jump out of the windows, front and rear.

Mr. ELKUS: I think there is a great deal in what you say; I think it ought to be done.

Mr. TANENBAUM: There is a restriction in the Western cities; in Buffalo you could not have a planing mill alongside a factory.

My next recommendation is bearing on plants in which your law would operate, in those buildings you have sprinklers, and men or women work overtime; and that in the lower part of that building there might be no men or women employed, and the upper part there may be men and women employed. A watchman ought to be maintained in the building after business hours, otherwise if a fire occurred in the lower part, the people in the upper part would have no notice of the fire. That occurs frequently. In the last year or two there was a case where there was a fire downstairs and the people worked upstairs, and the people did not know there was a fire until the fire department came and they were taken down on ladders.

The next question I want to suggest is this, that if these bills are passed, no doubt the operation of the sprinkler bills and their enforcement will be placed in the hands of the proper fire department, or commission.

Mr. ELKUS: It says in each case who is to enforce the law.

Mr. TANENBAUM: I recommend that when an order is promulgated for the installation of a sprinkler system or other device, that that promulgation or order should be published in the newspapers.

Mr. ELKUS: In the ordinary newspapers?

Mr. TANENBAUM: Not necessarily; in the City Record, or some place.

For instance, the board of health notifies an owner he must make certain corrections, that order is published. Now, if you promulgate an order that "John Smith" must sprinkle his building, if that does not become a matter of public record, there will be favoritism shown in the installation of sprinklers.

I have correspondence from the records. We inquired to find out if we could learn from the three departments in which buildings an order had been promulgated to install sprinklers. One was addressed to Edward F. Croker, while chief of the fire department; another one to Mr. Waldo; and another one went to the corporation counsel, and the result will speak for itself. I think the owner or occupant of a building in which you order automatic sprinklers and other fire appliances installed ought to have the benefit of securing the lowest price, and have the facilities of having competitive bids.

Mr. ELKUS: Has he not got that facility now?

Mr. TANENBAUM: I do not think so. I see by the papers there is a claim that the sprinkler system is restricted.

Mr. ELKUS: I would like to find out whether you can give us any light on that subject.

Mr. TANENBAUM: I expect to in a few moments. Until last year the sprinkler systems were really controlled by two or three devices. A great many of these patents have expired. In the past some sprinkler companies were favored with information before the others were, consequently the owner of the property was not familiar with the facilities of getting bids; he was under the impression he was compelled to seek these men in order to have

the work done, and it cost from twenty-five to fifty per cent. more than he could get the plant installed in the open market.

Mr. ELKUS: Did it happen sometimes the sprinkler man got to him with a notice he was going to be directed to put a sprinkler system before he got the order?

Mr. TANENBAUM: It has happened. We have been approached within a year by men offering to furnish information in which certain buildings or owners were called upon to install sprinklers.

Mr. ELKUS: He was going to give you advance information?

Mr. TANENBAUM: Advance information.

Mr. ELKUS: Before they were actually ordered?

Mr. TANENBAUM: Well, in process of being ordered.

Mr. ELKUS: Are you willing to give us that man's name?

Mr. TANENBAUM: No; I would not care to give it.

Mr. ELKUS: Will you give it to us privately?

Mr. TANENBAUM: No; he was a man at one time employed in the department. He did not occupy a political office, but he had information he purchased himself.

That is the reason I recommend publicity. I think if a man is compelled by law, and as a matter of protection, to instal a fire appliance, he ought to have facilities for procuring the article at the lowest possible price.

There are buildings in New York city where a number of employes are employed for manufacturing small wooden boxes. They should use blower systems to protect the occupants from a possible explosion, or hasty fire. I will give you some recommendations that I won't read.

Mr. ELKUS: Yes; if you will let me have them; I will have them added to your testimony.

Mr. TANENBAUM: Now I come down to the question of the installation of automatic sprinklers.

From 1886 until about 1901 or 1902, one or two sprinkler com-

panies were in the market that practically controlled the field, and the New York Board of Fire Underwriters, under its previous administration, not the present administration, would not grant a permit for the construction of a sprinkler system or approve it, unless it was constructed by one, two or three of those favored companies.

In the course of events our corporation took up this subject and succeeded in having the market opened, so that any one person or corporation competent to install sprinklers, and whose heads had been approved by a laboratory which was absolutely independent, would be recognized. Practically in the last ten years any sprinkler company which has a corps of men capable of doing steam-fitting, or steam-heating work, or installing hot-water systems, if they had the proper devices, they were approved; their work would be recognized by the New York Board of Fire Underwriters. I have here an exhibit of all the various heads, showing the evolution of the sprinkler heads, that have been invented for the last forty years. The inventors invented in the first place a perforated head.

(The sprinkler heads were then produced, and Mr. Tannenbaum explained the construction and operations of the various heads.)

MR. TANENBAUM: I want to explain why so many heads have been disapproved.

MR. ELKUS: We have been informed that the National Board of Underwriters, which have this laboratory in Chicago, have approved, I think, of six heads.

MR. TANENBAUM: That is not so. Here are a number of heads approved.

MR. ELKUS: How many are there?

MR. TANENBAUM: I should judge they have approved as much as thirty heads. They have reduced these heads, as they found defects in them.

MR. ELKUS: I do not care how many they have approved; there are certain heads which they have not approved, which the New York Fire Department approves.

MR. TANENBAUM: I would not pass on that.

Mr. ELKUS: That is the point I want to know about.

Mr. TANENBAUM: I would challenge the stability and the knowledge of the National Board of Underwriters against the New York Fire Department.

Mr. ELKUS: You mean to say that the New York Fire Department is incapable of passing upon a sprinkler head?

Mr. TANENBAUM: A thorough test of a sprinkler head.

Mr. ELKUS: That is a serious charge against the fire department.

Mr. TANENBAUM: I don't want to make a charge against the fire department; they are competent men, but where they class a mechanical device, which requires an experienced chemist — the insurance companies, all of them, maintain this laboratory at Chicago, and have tested every device which is invented.

Mr. ELKUS: We know all about that; the point is the New York Fire Department — Chief Kenlon — he has tested other sprinkler heads, and after the same test, a very severe test, he has found them satisfactory, and he knows of no reason why they should not be approved by the National Board of Fire Underwriters. He approves of them and finds them satisfactory in each case.

Mr. TANENBAUM: The National Board of Fire Underwriters spends probably a hundred thousand dollars a year to test all kinds of devices.

Mr. ELKUS: The accusation has been made, indirectly, that there are six companies, practically, in the field, who can install sprinkler systems satisfactorily to the National Board of Fire Underwriters.

Mr. TANENBAUM: That statement is absolutely untrue. Our corporation is independent; we fight the New York Board of Fire Underwriters.

Mr. ELKUS: Do you do your own work?

Mr. TANENBAUM: Yes.

Mr. ELKUS: You are a sprinkler company?

Mr. TANENBAUM: Yes. We have been a sprinkler company for twenty years.

Mr. ELKUS: You employ men?

Mr. TANENBAUM: Yes. Our engineer and foreman employ men; we buy the material in the market. We buy the best heads we can, at the lowest price possible.

Mr. ELKUS: Outside of your company, how many companies are there?

Mr. TANENBAUM: There are to-day probably ten or fifteen companies that install sprinkler heads, the devices of which are owned by other people; some of the patents have expired.

Mr. ELKUS: But there are six companies who own the sprinkler heads?

Mr. TANENBAUM: The majority of the sprinkler heads, the patents have expired.

Mr. ELKUS: But there are six companies manufacturing sprinkler heads which are approved by the National Board of Fire Underwriters?

Mr. TANENBAUM: No; there are six whose patents have not expired.

Mr. ELKUS: That is six.

Mr. TANENBAUM: You can use an old head on which the patent has expired and it will do the same work.

Commissioner DREIER: You don't get the insurance reduction?

Mr. TANENBAUM: Yes you can.

Mr. ELKUS: Which heads have expired? Who can you buy them from?

Mr. TANENBAUM: You can buy them from the Estey Company; The General Fire Extinguisher Company; the Manufacturers.

Mr. ELKUS: Where are the Manufacturers?

Mr. TANENBAUM: Syracuse.

Mr. ELKUS: That is one of the six.

Mr. TANENBAUM: Now, you have the Major Hibit head, manufactured in Cincinnati, by the Hibit Company. I guess that is owned by the General Fire Extinguisher Company; the Rockford Company, Worcester, Massachusetts.

Mr. ELKUS: Who owns that?

Mr. TANENBAUM: Independent, owned by a multi-millionaire.

Mr. ELKUS: Is their head approved?

Mr. TANENBAUM: Yes.

Mr. ELKUS: When was it approved?

Mr. TANENBAUM: Been approved for about two years.

Mr. ELKUS: Do they sell it to anybody else?

Mr. TANENBAUM: No; they would not sell it to everybody.

Mr. ELKUS: Is that under agreement with the six companies?

Mr. TANENBAUM: No, sir; that agreement is an open matter to-day.

Mr. ELKUS: We have not got a single company yet, outside of the six, that sells any.

Commissioner HAMILTON: How about the Grinnell?

Mr. TANENBAUM: Supposed to be the best in the market.

Mr. ELKUS: That is one of the six?

Mr. TANENBAUM: They own probably twenty patents, but if you are competent in installing a sprinkler, if the workmen you employ are competent, they will sell you the head. They will not sell them where they know you are not competent, because they fear you will spoil their reputation.

Mr. ELKUS: They will not sell you a head unless you stand in with the companies.

Mr. TANENBAUM: I think you are mistaken. I do not think we have stood in with the insurance companies, because we were in litigation with them; for two and a half years, we fought the Board of Fire Underwriters. I am not here to defend the sprinkler companies. I am telling you the facts.

Mr. ELKUS: We want the facts.

Mr. TANENBAUM: The facts are, to-day the market is absolutely open.

Mr. ELKUS: Well, open among those six companies?

Mr. TANENBAUM: Well, it is open among six sewing machine companies.

Mr. ELKUS: It may be the same kind of arrangement with sewing machines.

Mr. TANENBAUM: No.

Mr. ELKUS: A Commission during the last ten days showed they sold sewing machines —

Mr. TANENBAUM: Cheaper in Europe than in New York; yes. Here is the sprinkler head we used for a number of years. The reason I wanted it open was to show that it stopped up in fires and did not operate. The Grinnell head —

Mr. ELKUS: Can you tell me, and have you got them there, the sprinkler heads which the New York Fire Department approves, which are not approved by the insurance companies?

Mr. TANENBAUM: That I cannot tell you; I am not familiar with it.

Mr. ELKUS: You don't know what they are?

Mr. TANENBAUM: This head (indicating) you can do like this (indicating). The solder was here; sometimes that did not work. The results were that they were closed at the time of the fire and no water came through; it would not drop down. Here is a head in which there had been a number of failures in New York city. There is a head that has been fused. This head is

one of the original heads of the General Fire Extinguishing Company; they had the same difficulty. This head was one of the best heads in the market.

Mr. ELKUS: This is the modern head?

Mr. TANNEBAUM: No.

Mr. ELKUS: Which is the modern head?

(Mr. Tanenbaum produces a sprinkler head and exhibits it to the Commission.)

Mr. TANNEBAUM: This, like any other device, takes experience to test. The General Fire Extinguisher Company uses the best material, manufactures a composition, metal which will stand the greatest amount of heat.

Mr. ELKUS: These sprinkler companies are notified, aren't they, when a sprinkler order is made, and as you pointed out, they are the first ones to make bids?

Mr. TANENBAUM: They are first ones; some of them are the first ones on the field.

Mr. ELKUS: They say there is a gentleman's understanding between them, that while they make bids, that one of the companies is designated the one to make the lowest bid and get the job?

Mr. TANENBAUM: That agreement existed about a year or two ago, and it has been dissolved by a misunderstanding of the gentlemen among themselves.

Mr. ELKUS: So it was in existence until a year ago?

Mr. TANNEBAUM: A year or two ago. Some gentleman did not keep faith; the market is open to-day, and you can buy a sprinkler system for less money than it costs to construct. We install sprinklers, and frequently the bids which we receive are lower than what we can install work for.

Mr. ELKUS: Were you on the outside until a year or two ago?

Mr. TANENBAUM: We were always outside.

Mr. ELKUS: Now you are considered one of the six or seven?

Mr. TANENBAUM: We were always outside, and bucked the head and fought the companies in competition. We did not go in the open market; we installed appliances where we were interested. But that understanding is dead, because the Rockwood Company is in the field, and the General Sprinkler Company and two or three others are in the field to-day. The question of the cost of a sprinkler system to-day is one of competition; there is no longer any favoritism.

Mr. ELKUS: You believe in the sprinkler system?

Mr. TANENBAUM: I absolutely do.

Mr. ELKUS: You favor the bill requiring a sprinkler system?

Mr. TANENBAUM: I do. I think it is a necessity in a building where there are a number of people employed, either at heavy, or even light manufacturing. If the Asch building had been provided with sprinklers, I do not think any lives would have been lost. We recommend the restriction of the use of explosive products, alcohol and benzine. You cannot put out a benzine fire with an automatic sprinkler.

(The following memorandum was submitted by Mr. Tanenbaum as a part of his testimony.)

“FROM I. TANENBAUM, SON & CO.

“FIRE DRILLS.

“Proposed Bill No. 1. Fire alarm signal system with fire drill. From a hasty examination it appears that this bill is capably drawn and fully covers the requirements for fire drill in manufacturing buildings.

“LEASES AND AUTOMATIC SPRINKLER SYSTEM.

“Proposed Bill No. 3. This bill is intended to apply to buildings already in existence and thus becomes retroactive. Where the owner or occupant under a lease should be compelled to install sprinkler systems, in many cases the owner is under a long lease with the tenant; or the conditions of the lease provide that the

tenant shall perform certain requirements of the municipal authorities, and under the language of your bill the obligation would devolve upon the owner and not upon the occupant.

"Hence, this bill should be modified so as to read 'Either the owner or occupant,' and I further recommend, that in cases where automatic sprinkler systems are hereafter installed in buildings used for manufacturing purposes, and where over 200 hands are employed, there should be a requirement enforced for the installation of steel tanks in substitution of wooden tank."

"Bill No. 4. The same conditions as referred to in Bill No. 3 would apply to Bill No. 4.

"The occupant may have a lease, and consequently under your bill you are burdening the cost of the installation upon the owner instead of upon the tenant, and your bill should be amended to read 'either the owner or tenant or both.' And it may likewise be proper to provide an additional section that where a building communicates by an opening with an adjoining building containing inflammable material, that a cutoff must be constructed by double standard doors and which would close automatically in the event of a fire arising on either side of the building, and thus protecting the occupancy and employees against the possibility of a panic arising.

"The fire doors in question on the second floor of the factory of the Specialty Paper Box Company, are located on what is known as the party wall, adjoining the premises of one hat company which was totally destroyed by fire, and in my opinion the doors in question saved the Specialty Paper Box Company's property from total destruction.

"It is very evident that the heat which came in contact with these doors was intense as there were two automatic sprinklers which fused some ten feet distant from the doors in question; also the fire left its marks on the wall on the Specialty Paper Box Company side, where it penetrated between the doors and walls.

"The tin covering on the doors apparently was not injured which goes to show that a standard fire door properly installed is one of the best barriers against a communication that can be installed.

" WIRE GLASS WINDOWS AND HOLLOW METAL FRAMES.

" You mention in your bill No. 4 the construction of wire glass windows and you used the language in 'metal frames.' I take the liberty of suggesting that these words be modified and more clearly express the sense thereof by substituting the words 'Hollow metal frames' instead of merely 'Metal frames.'

" Hollow metal frames will withstand the ravages of fire to a greater degree than wood frames covered with metal. The metal covering the wood breaks off in a few months, and therefore hollow metal frames should be substituted.

" Substantial frames of hollow metal should be used.

" USE OF INFLAMMABLE INGREDIENTS, EXPLOSIVES, ETC.

" You have made no provision in this bill No. 4 excluding in manufacturing plants the use of benzine, naphtha, benzoin, gasoline, celluloid, alcohol, kerosene, nitro of soda, etc., etc., and which should be prohibited in manufacturing plants, excepting that the ingredients are maintained in limited quantities in safety cans. By this I mean that this restriction should not apply in premises where these products are manufactured but in all others.

" In cases where parts of the buildings are used for factory purposes, and also occupied for woodworking purposes, and especially where sawing is done a blower system should be constructed, and shaving vaults installed in such a manner as to protect the employees of the upper floors of such buildings, and relieve them of the liability of a fire spreading as the result of combustion or accumulation of sawdust, defining herewith a 'Shaving Vault System':

" Shaving vaults must be of brick ventilated and located where possible, outside of a building; if adjoining the boiler house, the opening to the boiler room must be at right angles to fire hole of boiler and not be any nearer thereto than six feet; such opening to be protected with a standard fire door; blower system should be connected with all wood working machines; cyclones should be located on roof; and approved dampers should be inserted in each main blower pipe, held open by a fusible link so that the dampers will close automatically in case of fire.

"OVERTIME AND WATCHMAN SERVICE.

"In cases where factories work overtime, a watchman should be employed on each floor to guard the employees in the event of a fire arising in any of the unoccupied floors below the one of which the men and women may be working.

"SMOKING BY EMPLOYEES AND EMPLOYER.

"Stringent provisions should be adopted in this section making it a misdemeanor or felony on the part of the employees or the employers smoking in any factory building; at the present time irrespective of the strict regulations and the signs maintained in many factories, a great deal of smoking is carried on and in most cases on the part of the employees without the knowledge of the employers.

"To guard against fire arising as the result of smoking, it is practically incumbent upon the State and local authorities to enforce laws that may be enacted punishing parties guilty of smoking in factory buildings.

"Employers are unable to enforce this regulation because of the fear of strikes and difficulties with employees.

"Frequently employers take it upon themselves and there is no reason why owners of property should be permitted to smoke any more than their employees.

"PUBLICITY IN RE ORDERS FOR THE INSTALLATION OF FIRE APPLIANCES, ETC.

"The easiest way to enforce the installation of fire appliances and sprinkler systems; automatic fire alarm systems, would be by publicity.

"Apparently, in the past the authorities have withheld information from the public in connection with buildings where orders have been issued for the installation of fire appliances therein; and the sprinkler companies have received clandestine information, whilst the majority of the manufacturers of fire appliances have been unable to procure such, excepting by employing parties familiar with the tactics and the manufacturers are therefore at a disadvantage in submitting bids for the installation of fire appliances. Thus an owner or occupant of any specific

property is also at a disadvantage and is frequently unable to procure the advantages of the market.

"A proper law should be passed compelling the printing in the City Record or any other means of publicity, information enlightening the people — both owners and employees of factories, etc., — that an order has been promulgated by the heads of departments to whom the installing of these appliances are entrusted that a demand has been made upon the owner to install an automatic sprinkler system in such building, and including the installation of automatic fire alarm systems, etc., etc.

"And a copy of such order can readily be noted by the manufacturers of these different classes of appliances, and thus insuring to the owner or occupant the lowest possible cost for installing the same.

"TURNING OFF THE SPRINKLER VALVES.

"A great many men to-day are familiar with the operation of a sprinkler system, and many persons have been caught turning off sprinkler valves and thereby placing that section of the premises or the entire sprinkler system inoperative and without the protection of the sprinkler system. In our experience of supervising sprinkler systems in large plants in the past two years, we have come across half a dozen instances where the valves in certain of these large plants have been tampered with and turned off, and leaving an area of possibly 20,000 sq. ft. without fire protection.

"The owner or occupant of such buildings probably would have no redress excepting to discipline the guilty person, if found.

"Thus, in my judgment, it is within your power to pass a law punishing the guilty party for tampering with an automatic sprinkler system or any other fire appliances — causing it to be a misdemeanor or felony.

"APPROVAL OF AUTOMATIC SPRINKLER SYSTEMS.

"There is no combination at the present time. Any manufacturer of sprinkler heads, if his invention is worthy, will have no difficulty in having it approved, by submitting his sprinkler head to the National Board of Fire Underwriters' Laboratory at Chicago, and where such head would be thoroughly tested.

"We have found many heads which have proven defective and inoperative at the time of fire — several classes of metal are used in the manufacture of sprinkler heads.

"The National Board of Fire Underwriters are absolutely fair in their discriminations, and whilst we have at times been at logger heads with the various boards of underwriters we have had no difficulty in securing the approval of a system of automatic sprinklers.

"Our equipments have been installed, in our judgment, up to the highest standard.

"At the present time there is an open market and free competition. Our own company is independent; we have no axe to grind and no favors to ask of anyone."

"TESTIMONY OF MR. MOSES TANENBAUM.

"In line with your request, I submit herewith a list of the Sprinkler Heads that now receive the approval of the Underwriters Laboratory under the direction of the National Board of Fire Underwriters, and whose principal office and testing station is located at 207 East Ohio street, Chicago, Ill., and this same body has branch offices throughout the United States, viz.:

135 William street.....	New York, N. Y.
87 Milk street.....	Boston, Mass.
137 S. Fifth street.....	Philadelphia, Pa.
Commonwealth Building.....	Pittsburg, Pa.
735 Pierce Building.....	St. Louis, Mo.
1414 Marchants Exchange Building.....	San Francisco, Cal.
Hartman Building.....	Columbus, Ohio.
1403 First National Bank Building.....	Cincinnati, Ohio.
Plain Dealer Building.....	Cleveland, Ohio.
110 Pearl street.....	Buffalo, N. Y.
524 Coristine Building.....	Montreal, Canada.
Royal Building.....	Toronto, Canada.
700 Gurney Building.....	Syracuse, N. Y.
529 Equitable Building.....	Atlanta, Ga.
809 Bibernia Building.....	New Orleans, La.
36 Congress Street West.....	Detroit, Mich.
Waldheim Building.....	Kansas City, Mo.

Lemcke Building.....	Indianapolis, Ind.
Plymouth Building.....	Minneapolis, Minn.
375 Cedar street.....	St. Paul, Minn.
Tennessee Trust Building.....	Memphis, Tenn.
507 Mitchell Building.....	Milwaukee, Wis.
62 Cannon street.....	Bridgeport, Conn.
207 Insurance Building.....	Dallas, Texas.
Todd Building.....	Louisville, Ky.
818 Gas & Electric Co. Building.....	Denver, Col.
101 McCague Building.....	Omaha, Neb.
Shawnee Building.....	Topeka, Kan.
112 N. Broadway.....	Oklahoma City, Okla.
19 Main street.....	Galesburg, Ill.
Cedar Rapids.....	Iowa.
Masonic Temple.....	Eric, Pa.

The Heads are known as:

- Crowder, Issue A, Manufactured by Crowder Bros., 309 La-Clede Building, St. Louis, Mo.
- Garret, Issue A, Manufactured by Globe Automatic Sprinkler Co., 1610-1620 Reading road, Cincinnati, Ohio.
- Grinnell, Improved 1903, Manufactured by the General Fire Extinguisher Co., Providence, R. I.
- Lapham, Issue B, Manufactured by the McCrum-Howell Co., Rush and Michigan streets, Chicago, Ill.
- International, Issue B, Manufactured by the International Sprinkler Co., 123 William street, New York.
- Manufacturers, Issue C, Manufactured by the Automatic Sprinkler Co. of America, 123 William street, New York.
- Neracher, Improved 1902, Manufactured by the General Fire Extinguisher Co., Providence, R. I.
- Niagara, Issue B, Manufactured by the Automatic Sprinkler Co. of America, 123 William street, N. Y.
- Rockwood, Issue D, Manufactured by the Rockwood Sprinkler Co., 138 Harlow street, Worcester, Mass.

The manner in which these sprinkler heads are tested, is, they are subjected to thirty different tests in order to bring out their 'leakage points,' their ability to withstand water hammer conditions; and ability to withstand steady high pressure. Tests are

also made to determine the relative sensitiveness of the various ratings; the actual fusing point of the solder; the ultimate strength of the soldered joint; the elastic limit of the frame and the various parts of the releasing; the effect of abuse, the reliability of operation under ordinary conditions, and their reliability of operation after severe conditions of corrosion and loading. The various tests upon sprinklers are somewhat extended in character, and it is difficult to describe exactly in detail the methods used for determining their strong or weak features. There have been many sprinkler heads in use in the past twenty-five years; and a great many of them are now obsolete, many sprinkler heads at one time approved, have for some cause or other after complete test by fire or otherwise developed below the standard and consequently their approval has been withdrawn by the leading local Boards of Underwriters and the National Boards of Underwriters, and a great majority of the insurance companies, hence these sprinkler heads are no longer placed on a parity with heads of more modern invention and use. These latter heads are enumerated with other designs not in general use at the present time, and are known as:

“ UNUSED OR OBSOLETE SPRINKLER HEADS.

Bishop 3½.....1887	Bishop 4.....1888
Brown 1.....1881	Brown 2.....1883
Buell-1.....1873	Buell-2.....1884
Buell-3.....1884	Buell-4.....1885
Buell-5.....1886	Buell-6.....1892
Burritt-1.....1881	Burritt-2.....1882
Burritt-3.....1883	Clapp-1.....1887
Clapp-2.....1890	Draper.....1890
Estey-1 to 6.....1896-1903	Fowler.....1884
Garrett.....1906	Gunn.....1885
Harkness-1 to 4.....1887-95	Harris.....1883
Harrison.....1864	Jahn.....1891
Jordan.....1885	Kane.....1881
Mackey.....1883-1888	Mascot.....1887
McLauthlin.....1894	Nagle.....1889-91
Neracher 1 to 6.....1884-03	Ruthenburg.....1885
Star.....1886	Talcott.....1882
Universal.....1896-99	Witter.....
Walworth 1 to 9...1883-1899	

"The New York Fire Insurance Exchange has for sometime past and still will recognize within its territory and grant allowances for the installation of sprinkler systems to the following manufacturers and constructors:

Automatic Sprinkler Company of America, controlling and handling what is known as the International Heads and the Manufacturers Head.

Evans, Almirall & Co., Dominick and Clark streets, New York City. Controlling and handling the Niagara Sprinkler Head, Issue B.

W. L. Fleisher & Co., 31 Madison avenue, New York. Controlling and handling the International Sprinkler Head.

General Fire Extinguisher Co., 1 Liberty street, New York. Controlling the Grinnell and Neracher Sprinkler Heads.

The General Fire Extinguished Co. likewise owns the patents and likewise uses the 'Kane Head' originally manufactured in Philadelphia, and now obsolete; and the Neracher Head which was originally manufactured at Akron, Ohio, and the 'Hill' Sprinkler Head originally manufactured in Georgia. The General Fire Extinguisher Co. also controls the inventions of the majority of the dry and other valves used in the installation of automatic sprinkler systems.

"The New York Fire Insurance Exchange also recognizes and approved the installation of sprinkler systems of the

Globe Automatic Sprinkler Co., 47 West 34th street. Controlling the Garrett Sprinkler Head.

Rockwood Sprinkler Co., 123 William street, New York. Controlling the Rockwood Sprinkler Head.

I believe that this latter company now operate jointly with The Automatic Sprinkler Company, 123 William street, New York, and also;

H. G. Vogel Company, 12-14 Walker street, New York. Controlling the Estey Sprinkler Head.

"The New York Fire Insurance Exchange has, I believe, frequently approved the work performed by independent companies, and has always recognized the work installed by our subsidiary

company, known as 'The Insurers Fire Equipment Company,' which company contracts to install sprinkler systems in this city. We buy the pipe, valves, fittings, and other like material from the manufacturers; and purchase the sprinkler heads from the different inventors and of agents. We have encountered no difficulty whatsoever in procuring the approval of the New York Board of Fire Underwriters and other individual companies in recognizing our work; and they have at all times granted the full percentage of allowance to our clients on work constructed by our subsidiary corporation (The Insurers Fire Equipment Co.). And I am inclined to believe that the New York Board of Fire Underwriters and the National Board of Fire Underwriters, and the individual insurance companies would unhesitatingly recognize and approve the work of any competent contractor, familiar with the installation of a sprinkler system; but I do not think that an ordinary plumber or steam heating contractor has sufficient knowledge of the technical operation of a sprinkler system to warrant his work being approved by the insurance associations, who grant heavy allowances for these appliances and assume enormous risks on properties in which this class of protection is installed; and therefore are justified in their refusal to recognize unknown or untried contractors of sprinkler work.

"Heavy allowances are granted on properties in which sprinkler systems are installed, and frequently as high as 50% to 60% has been granted on properties in return for this installation. The insurance companies may carry a line of \$25,000 or \$50,000 on any one risk at a rate of 40 cents per \$100 per annum; whilst, if the same risk were unprotected by automatic sprinklers, the probabilities are that the heaviest lines the companies would assume would not exceed \$5,000; and consequently in assuming this enormous liability for a nominal consideration, I believe the companies should be protected by their limitation to competent engineers or recognized sprinkler experts, and with all due respect to the Chief of the Fire Department of this or any other city, unless he were an expert engineer, chemist or inventor, I would hardly consider a fire chief on a parity with a sprinkler expert or civil engineer, and hence, in my opinion incompetent to pass on, or

approve the specific sprinkler equipment, and supervise their construction.

The work of the fire department is to extinguish fires with water or such other means and devices as may be at their command, but not to approve of the installation of fire appliances excepting in their capacity as firemen. To illustrate and point out the limited knowledge of individuals not familiar with the installation of ordinary sprinkler appliances, I desire to call the attention of your Commission to the fact that the Insurers Fire Equipment Company, in which I am interested, through its being a subsidiary associate of our corporation, installed early in 1912 a system of automatic sprinklers in the paper box factory of H. Lieberknecht & Company, 43-45 Crosby street, and prior to our commencing work in this building, it appears that a system of sprinklers had been ordered and placed in the basement of this building, and we are informed that this sprinkler system had been approved by the fire department. The manner in which we found the plant installed and laid out would have, in the judgment of our engineer, been incapable of performing the functions for which it was installed, if a fire had arisen in those premises, and we were compelled to rearrange the entire pipe lines, which were utterly inadequate, and removed practically all the fittings, as they were malleable and could not be made tight; and changed a great many of the threads, we found that in the installation of the sprinkler system, this pipe had only been threaded in the fittings for one or two turns, and consequently in the event of fire arising in this building and the fire department concluded to connect with this sprinkler system for extinguishing the fire in the basement, it would have proven valueless, and undoubtedly blown up the main part of the equipment by reason of the heavy pressure of water injected and thus flooded the basement. Automatic sprinkler systems to be of any use, must be constructed up to a certain fixed standard prepared by practical inventors and expert engineers. The greatest benefit that sprinkler systems furnish to humanity is their ability to operate immediately upon a fire occurring, and thus being able to control a fire in its incipient stages. The automatic process of a sprinkler system, under proper pressure, will, under normal conditions, keep the fire within control and from spreading.

You will appreciate from the conditions as pointed out in the case of the sprinkler system in the basement of the building heretofore referred to, that the fire department as constituted at the time this equipment was installed, did not have the knowledge, training, experience or ability to regulate the manner in which the sprinkler protection should be constructed in buildings, nor to maintain a proper efficiency to safeguard life and property in buildings occupied for specially hazardous purposes; and more particularly buildings of ordinary construction and in which your committee may require the installation and construction of sprinkler systems; I recommend that automatic sprinkler systems be connected by means of a two-inch, or if possible, larger size pipe to the city main as a direct means of supply, and thereby furnish an adequate amount of pressure, even though such pressure is limited to twenty pounds. This constant pressure on an automatic sprinkler device and constructed up to the general standard adopted by the National Board of Fire Underwriters is of value, especially in cases where a fire occurs in the basement, and in which case no doubt the fire department would rely upon this device, if it once became operative, to extinguish a fire, rather than compel the firemen to enter the basement at the risk of their lives or health.

I desire to point out an article which appeared in the New York Journal of Commerce and Commercial Bulletin on December 7, 1912, bearing on Celluloid and Fires in England, extracting the article as follows:

"CELLULOID AND FIRES.

"LONDON (ENG.) COUNCIL URGES REGULATION AS TO STORAGE AND MANUFACTURE.

"At a recent meeting of the London (Eng.) County Council W. Hayden, Chairman of the Public Control Committee, moved the adoption of a recommendation that application should be made to Parliament next session to enable the council to license, subject to such conditions as they might deem necessary for the protection of life and property (1) places where celluloid, xylonite or other similar inflammable substances are manufactured, stored or used for the purpose of sale or hire, and (2) dangerous busi-

nesses. E. Smith stated that he hoped the measure would include all places where celluloid and similar substances were stored, for whatever purpose. He said that at the inquest on the victims of the Moor-Lane fire it was shown that if the County Council had obtained the powers it sought all those girls would probably have escaped. He hoped they would not be frightened by the representations of traders that the safeguards which they desired would be too costly. He did not wish to alarm people, but it was a fact that we had had two or three very narrow escapes in the West End of London.

“ Mr. Karslake, chairman of the Fire Brigade Committee, in supporting the recommendation, said their fire appliances were as efficient as possible, but heat of something like 1300 degrees was engendered by the combustion of celluloid and it was only fair to the firemen who risked their lives in endeavoring to save people from celluloid fires that people should understand what this meant. They did not realize the overwhelming heat which in the case of the Moor Lane fire, the firemen had to encounter, even at a distance of ten or twelve yards. Mr. Hayden, replying upon the debate, said he would be glad to accept any amendment designed to strengthen the committee's proposals; but he believed that if they obtained from Parliament the powers they sought the interest of London would be amply safeguarded. The recommendation was adopted unanimously.

“ The handling of dangerous chemicals, manufacturing of self-combustible compounds, especially hazardous lines of manufacturing, such as wood working, celluloid, sugar, rubber and such classes of business can be readily held in restriction, providing they are handled, and the laws enforced are free from political influences and intrigues.

“ I also wish to call your attention to the manner in which the British Fire Prevention Committee, apparently incorporated as far back as 1899, guards and compels the owners of stores and factories to carry out their recommendations. They inspect buildings, especially before holidays and specifically around the Christmas festivities, and which I refer to herewith by submitting the original circular issued by that body and bearing thereon, and which pamphlet contains many essential and important points for your Committee to adopt.

"I further suggest that proper authority and facilities be extended to the Fire Department and Police Department to enforce rules preventing smoking or the carrying of lighted cigars and cigarettes on the elevators of stores and manufacturing buildings, and other like places where life is endangered. There is a law in existence and in fact a 'notice' is posted in the Brooklyn elevated trains that the carrying of lighted pipes, cigars and cigarettes is prohibited and this law is being continuously violated, and no action is taken by the police authorities to enforce the law or arrest the guilty parties. In your proposed bill to the Legislature, I would respectfully recommend that steps be taken to cut off the boiler rooms where engines and boilers are maintained in factory buildings, from the main building, either by automatic fire doors, or by bricking up the walls to prevent a fire entering the buildings from a basement adjoining or connecting.

"And if the suggestion is in order, I respectfully point out the great dangers our city is subjected to by the manner in which garages are kept in the crowded centers of our city.

"I believe that automobile garages and repair shops should be located in fireproof buildings.

"And I believe that smoking in garages and repair shops should be prohibited in every room where gasoline is used, stored or handled. 'No Smoking' signs should be posted in conspicuous places.

"I believe that the lighting of matches in any room where gasoline is present should be strictly prohibited, except where necessary in repair shops, and that open lights of any kind (gas jets, lamps, torches, candles, etc.) to be prohibited except in offices or warerooms.

"I believe that incandescent lights should be used where gasoline is used or contained. Extension lights to have vapor tight globes and approved portable cords.

"I believe that gasoline supply tanks should be buried two feet below the surface of the ground, as far as possible from the building, up to thirty feet. Gasoline pump, if inside the building, to be of approved design. Automobile tanks, if filled inside the building, to be connected by substantial tubing, not exceeding seven feet in length, to approved pump or to approved portable tank.

Tubing to be attached permanently to pump or tank and to be provided with a quick closing valve.

"If filling of automobiles is done by portable tanks inside the building same should be of standard type.

"Gasoline used other than above, inside of the building to be transported only in approved safety cans. The use of gasoline, benzine, naphtha, turpentine, or other liquids of a similar nature for cleaning floors or in open vessels for washing hands or machine parts, etc., should be prohibited. Heating (in rooms where gasoline vapors are likely to be present) to be by steam, hot water or furnace; boiler, heater or furnace to be isolated in some section of the building where its fumes will not penetrate. An ample supply of approved three gallon chemical extinguishers and pails of sand with necessary scoops should be distributed in all sections of a garage.

"AUTOMOBILE REPAIR SHOPS.

"Automobile repair shops to be provided with approved metal waste cans for oily rags and waste, which should be emptied at least once a day, especially at closing time.

"All rooms in which gasoline vapors are present to be properly ventilated.

"Soldering irons, if used in buildings and wired for electricity to be of the approved electric type. Open forges are not to be permitted in any workshop where gasoline vapors are present. An ample supply of three-gallon extinguishers and sand pails to be provided.

"PROPER METHOD OF SAFEGUARDING HAZARDS USUALLY FOUND IN ORDINARY FACTORY BUILDINGS.

"Boilers for heat and power when used should be installed where possible under sidewalk and properly cut off from building by fire doors at openings to boiler-room.

"Ashes should be safeguarded in standard engineers' ash cans and removed from the building frequently.

"Windows when broken in factory buildings which applies also to plastering should be ordered repaired at once, to prevent draughts.

"Elevators, stairways, passageways, etc., should be kept free of shelving, stock and all combustible material. The pits of elevator

shafts where rubbish is likely to accumulate should be cleaned out frequently. Ordinary floor sweepings and refuse to be safeguarded pending removal, in large metal cans with covers, and removed from the building at frequent and regular intervals.

"That standard oily waste cans should be installed near all electric motors and other machinery in a factory where oily waste and rags are likely to be used.

"That swinging gas brackets liable to come in contact with stock or woodwork should be made rigid. No gas lights should be permitted within thirty-six inches of a combustible ceiling, and low gas lights over sewing machines, tables, work benches, etc., should be properly protected with wire cage guards; in fact prevented, and electric light substituted. No open and unprotected lights should be permitted in any show case or window.

"Sawdust in spittoons or saw dust on the floor should be prohibited.

"Kerosene or other oil should not be used to sprinkle floors.

"Gas stoves when used should be elevated by iron legs at least six inches high, stoves to rest on metal and have rigid gas pipe connections.

"Coal stoves when used for heating purposes should be properly placed on metal and metal smoke pipes from stoves should be carried to brick chimney flues in a horizontal line. The practice of carrying stove pipes through floors, partitions, etc., should be prohibited. No smoke pipe should enter the bottom of smoke flues in a vertical position.

"Metal pans should be placed under printing presses and other machinery where oil drippings are liable to soak into the floor.

"Benzine and other volatile oils should be safeguarded in standard metal benzine safety cans and no tenant in a building should be permitted to keep on hand more than one quart at one time.

"All electric wiring, whether light or power, should be installed in accordance with the rules and regulations of the New York Board of Fire Underwriters, subject to their inspection and approval.

"Hay, straw, excelsior and other packing material should be safeguarded in standard lock-jointed tin-clad packing bins, covers

of which should be held open by a fusible link, so that they will be self closing in case of fire. Not more than a day's supply of paints, oils, varnish, etc., should be permitted to be carried by any tenant in the building. Same to be properly safeguarded in metal cabinet. The main supply to be kept outside of the building or in a fireproof vault under the sidewalk.

"SMOKING BY EMPLOYEES SHOULD BE PROHIBITED.

"Aisles or passageways leading to fire escapes should be kept free and clear at all times to leave free facilities for hasty exits.

"Whilst the insurance companies grant certain allowances in cases where fire alarms and fire fighting appliances are installed in a building, such as automatic fire alarms, fire pails, extinguishers and standpipes and hose lines, watchman with clock service, etc., it is the writer's opinion that mercantile and factory buildings should be compelled to install in their premises proper fire-fighting appliances to extinguish a fire to protect the lives of their employees, and the number restricted per floor.

"If at any time your committee desires, I will be glad to ship to Albany, our metal stand on which we have exhibited the different sprinkler heads that have been invented and used in the past twenty-five years (and aggregating about 100), the majority of which have at one time or another failed to perform their functions, and therefore, as explained in the earlier portion of this hearing, their approval for this or similar causes has justified, from similar experiences, the revoking or rescinding of their approval by the National Board of Underwriters, and local boards of underwriters, and frequently individual insurance companies reject lines on risks, even of heads approved by these bodies.

"In New York and other large cities, the sprinkler systems are not constructed upon as substantial or high a standard as the equipments built in mills and factories of our smaller cities in the upper part of our State, and are far below the standard adopted in the Eastern cotton and woolen plants, wherein they rely upon their own fire protection to safeguard the property from injury or destruction from fire. The insurance companies have studied this subject and have facilities of learning of all new devices much quicker than a local fire chief or commissioner could possibly dis-

cover; thus it would be injurious to our citizens or the insurance companies to divert the supervision of approval of fire preventing devices or constructions from experienced underwriters and students, to the fire fighters or department heads.

"If your committee desires the use at any time of any books or pamphlets bearing on this matter, I will be pleased to furnish you with the same."

DANIEL O'LEARY, called as a witness and being duly sworn, testified as follows:

Examined by Mr. ELKUS:

Q. Are you connected with the Labor Department of the State of New York? A. Yes, sir.

Q. In what capacity? A. Superintendent of licenses.

Q. How long have you been superintendent of licenses? A. Since the law was passed in 1899.

Q. That is the licensing of tenement-houses in which work is done at home? A. Yes.

Q. And where is your office? A. 381 Fourth avenue.

Q. What do you do as superintendent of licenses; do you issue the licenses? A. On the reports of the inspectors.

Q. When a man wants a license, an owner of a tenement-house, to do work in his house, for his tenants, he gets one license for the whole building? A. Yes, sir.

Q. And there may be 1, 2 or 50 tenants in the building, he only gets one license? A. All tenants in the building can work under that license.

Q. What does he do to get the license? A. Makes application at the office of the Department of Labor.

Q. He makes application — A. An application on a form.

Q. Have you got one of the forms? A. I have not got the form.

Q. They fill out a form, then you send what, a factory inspector, or special inspector? A. A factory inspector.

Q. What does he do, go and look at the building? A. He makes an inspection of the building from the cellar to the garret.

Q. What does he look for? A. He looks for unsanitary conditions.

Q. What do you mean by an unsanitary condition? A. If the toilets in the building are clean and sanitary.

Q. What else? A. Look to see that the yards, the public parts of the building are clean; that the plumbing is in order, no leaky sewer gas.

Q. And he reports back on a form; have you got the form he fills out, the form he gives to you? A. (Witness produces the form called for.)

Q. He fills out this form, and brings it back to you; if it looks all right you issue the license? Have you got the form of the license? A. No; I have not got that form.

Q. What are the other forms you have there? A. That is a rear shop form; this is an observation — filled out on the building the building inspector visits; he may or may not find work in it.

Q. That is where an application is made for a license? A. No, sir.

Q. That is what it says at the beginning, doesn't it? A. That calls for an application.

Q. Does not it mean application has been made for a license? A. I have the wrong card.

Q. Don't bother looking for the cards; how many licenses have you issued since the year you have been in the Department?

A. I cannot tell you; the total number is something like 18,000.

Q. 18,000 in the State? A. In the city.

Q. City of New York; how many outside of New York city? A. Our report shows Albany has 54, Buffalo 74, Utica 76, Syracuse 36, Rochester 297, making a total of 537.

Q. Buffalo, how many? A. 74.

Q. Troy, how many? A. Troy has not any reported.

Q. Do you know whether or not there are any houses in any of these cities, used for work, where work is being done at home, which have not licenses? A. I have not any knowledge of the conditions up the State.

Q. How about New York city? A. Because I do not — my time is limited to New York city.

Q. How about New York city? A. I cannot report on anything only what the inspector reports to me.

Q. Have you had any reports of houses that have not been licensed? A. Oh, yes, sir.

Q. How many? A. I could not tell you that; I would have to look the file over.

Q. It has been stated under oath that there are 26,000 used for home work which are not licensed in New York city; do you think that is correct? A. No; I do not.

Q. What do you think is the number? A. Our report shows — we made a fair inspection of all licensed houses this year — it showed a total of 12,755 licensed buildings. Those 12,755 licensed buildings contained 20,446 workers.

Q. Well, that does not answer my question. How many inspectors have you in your department under you? A. I have nine working now.

Q. And they have in New York city alone 12,000 houses to inspect? A. That is what we inspected last year, 12,755.

Q. Nine inspectors inspected 12,000 houses? A. Inspected those.

Q. Do you mean to say each inspector inspected over a thousand houses in a year? A. That is the record, sir.

Q. How many hours a day do they work? A. They are supposed to go to work at 9 o'clock.

Q. What time do they stop? A. About 2.

Q. Nine to two, and an hour for lunch? A. An hour for lunch.

Q. So they work four hours a day, and have inspected, each one, over thirteen houses? A. That is what the average is.

Q. Some of them are tenement houses that have some twenty to thirty families? A. Some more than that.

Q. Forty to 50 families? A. Yes.

Q. Where in many of those cases every family is engaged in doing home work? A. Yes.

Q. Do you mean to say in the Italian district in the upper part of the city, there are not houses where fifty families are engaged in making willow plumes? A. No.

Q. Have you ever been in one of those houses? A. Yes.

Q. Now how many times? A. Several.

Q. When were you there? A. What house?

Q. Anywhere, 110th street, 107th street, 108th street? A. I have been in, in the last thirty days, some houses.

Q. What house were you in? A. That I cannot tell exactly.

Q. Mr. O'Leary, how many inspections would that be a day, if the men did the work they say they did? A. They turn in anywhere from six, ten, twelve, fifteen.

Q. You know of course that the children of school age go to school between the hours of 9 and 2? A. Yes.

Q. So that your inspectors, making inspections between those hours, would be sure never to see any children of school age at work? A. We find some.

Q. How many did you find? A. During the last year?

Q. That is, since the last testimony was taken before this Commission, which showed children employed in tenement house work? A. Between October and October.

Q. That is, since the testimony was given over a year ago? A. Yes.

Q. Before this Commission, which brought out for the first time these conditions. What do your inspectors do after 2 o'clock in the afternoon? A. Write up their reports.

Q. Do they inspect each house about once a year? A. That is about all they can do.

Q. That is all you can do with nine men? A. Yes.

By Commissioner DREIER:

Q. Do you ever send inspectors out at night? A. No.

Q. Do you ever send out to see whether children are employed at 8, 9 and 10 o'clock at night? A. You understand under this law we have nothing to do with the children.

Q. You cannot stop the children from working in these houses? A. No, sir.

Q. No matter how young they are? A. No matter how young they are.

Q. All you can do is observe them? A. That is all.

Q. And let them go on working? A. That is all.

By Mr. ELKUS:

Q. Have you ever prosecuted a manufacturer for sending goods to an unlicensed house? A. Yes.

Q. How many cases in the last year? A. Last year, only two.

Q. How many cases do you suppose there are in New York city? A. I presume, if we were to devote the time that should be devoted to that particular phase of it, we would find a great many.

Q. Thousands of them? A. Pardon me; not manufacturers. We have little trouble with the manufacturers; it is the contractors.

Q. The manufacturers give the work to the contractors, or padrones? A. Yes.

Q. They give it to the unlicensed house? A. There are owners that give out the work.

Q. Don't you think under a case like that, you could prosecute the manufacturer? A. No question about it.

Q. Do you believe, Mr. O'Leary, it is possible to regulate this work in tenement houses as they do the work in factories, to prevent young children working? A. Not under the present law.

Q. Not under any law? A. That I do not know. The children that are found working are the children of the homes; they are not strangers. We won't allow strangers to work in tenement houses.

Q. How do you know; you are never there after 2 o'clock? A. Oh, yes; if you will pardon me, in 1907 we took up this subject, the child labor in the tenement houses for the satisfaction of the Department. We made an inspection, a special inspection—I won't say inspection, but observation—from Canal street to East Houston street, Chrystie street and through McDougal street. There were 530 children found employed. At that investigation we went in from 7 o'clock to 9 o'clock in the morning, and from 3 until 6 or 7 in the evening, and in that locality we found over five hundred children, and of that number, only twenty-two were found who did not comply with the compulsory educational laws.

Q. They were under fourteen, though? A. All under sixteen.

Q. You mean they attended school? A. They attended school regularly.

Q. Of course you know that when a labor inspector starts to go through a building they know that he is coming, as soon as he enters the news goes right through the buildings? A. Yes.

Q. And the merchandise is put under the beds? A. It is hidden away.

Q. The children are sent out to play? A. Not in licensed houses, as a rule, where they know they have the right to do it.

Q. They do not hide the goods, but they send the children out? A. We do not find that. They know we have not any right to interfere.

Q. Have you any way of regulating this except by prohibiting it? In the same way that the factories are regulated? A. I have listened here, Mr. Elkus, all day yesterday, and so far to-day, to what has been said on the subject of work in tenement houses, all that has been in testimony has been said only against one phase of the work; that is what I term the commercial side of it—that is, the ready made clothing, the feather workers and the artificial flower workers. What I call the domestic side of the question, that is the journeyman tailor and custom dress-maker, that side has not been touched at all; and if you will pardon me, we keep a little memorandum of those things.

Last year, of the 20,446 workers that were reported, 8,233 of them were working on ready made clothing, while 7,686 were found working on custom. That includes all classes of clothing for men and women, ready-made and custom-made. Only 50 per cent of the home workers are what I call the domestic workers. People, dressmakers, who make a dress for your wife and my wife; she has no other employer. The custom tailor, who has a little store here and there, in which is samples of goods, will make a suit of clothes likewise to measure. There is the class that comprise nearly one-half of the entire number of workers. We have found a falling off in the flower workers.

Q. These goods you speak of, merchant tailoring, these do not come from a factory at all, do they? A. No, sir.

Q. That is not where a manufacturer really extends his factory by going to the tenement houses? A. No, sir.

Q. That is where a man or woman gives out one dress or two dresses, or a man gives out a coat or a pair of trousers? A. Or a merchant's tailor.

Q. He has it done in the tenement houses? A. Yes, sir.

Q. By a man or woman? A. A mechanic; I call that man a mechanic.

Q. They do not use children? A. They do not. Personally, if I was able to frame a law, I would completely cut out the commercial side of it.

Q. You would cut out all except that one class you speak of? A. That one class, I do not think you can create the power in law to cut that out.

Q. They are really in business for themselves? A. Exactly.

Q. And they are practically doing their own work? A. Yes.

Q. That is the only class where you think they ought to be allowed to go on, and the others ought to be wiped out? A. That is my judgment.

Q. You consider from your experience and knowledge on the subject, that to allow the others to go out is an evil which ought to be prohibited? A. I have considered it so for years.

Q. Is there any way of regulating it at all? I mean outside of your exception of the man who gets the clothes from the merchant tailor, and the woman who makes a dress? A. I have been in the tenement houses, and I have seen conditions that I would challenge any law to relieve.

Q. It is so bad? A. I mean the poverty of the situation; I do not mean anything else. The poverty of the people before me, so great.

By Commissioner PHILLIPS:

Q. They needed the work? A. Absolutely. I have seen houses where I have seen the mother and four children without a particle of food of any kind in the house for those children to eat.

Q. And they never could have if they continued in that kind of work? A. What are you going to do?

By Mr. ELKES:

Q. They are bound to be helped by charity? A. I hope so.

Q. In a case like that they are bound to have charitable relief; it is only a question of degree? A. It seems as though there ought to be something to relieve such a situation.

Q. Those people are not relieved by being allowed to do work at night at starvation wages? A. What are you going to do about it?

Mr. ELKUS: Take care of them.

Commissioner DREIER: Have you ever found these commercial workers making enough money to support themselves, on what they were making?

The WITNESS: No. I would like to see the law changed, if it was possible to change it for the better. Make it stronger, but I want to say to you that under the present conditions, with the present force we have, it is an utter impossibility for the Department to do justice to that subject.

Mr. ELKUS: Yes; I can appreciate that.

J. T. CLARK called.

Mr. ELKUS: Mr. Clark, you want to submit to the Commission some recommendation about a safety device?

Mr. CLARK: You asked me to make some suggestions as to the proposed bill No. 24. That is what I think you would call the elevator bill.

Mr. ELKUS: Yes.

Mr. CLARK: As to the amending of section 79 of the Labor Law. In looking over your proposed bill I find that you have not provided that where the elevators were enclosed, there shall be a trap door, so that the people, in the event the elevator got stuck in the shaft, could have some egress out of the elevator; or where there were two elevators running side by side, that there should be means of egress from the side of the elevator. Then again, there is no provision that where the counter-weights run in the shaft, that the counter-weight be screened, or that they be protected by a substantial screen, at least, at the top and bottom of the elevator, so people that are working around the machinery won't be crushed by the counter-weights. Then again, in freight elevators that are not entirely enclosed, but where they just have a door or railing across, there should be a warning gong at every floor, so that people will not get struck by the elevator coming down.

Mr. ELKUS: An automatic gong?

Mr. CLARK: An automatic warning gong, that only costs perhaps a dollar or two apiece. It would be the means of saving some lives.

Then again, there is no provision made for automatic doors, safety appliances, which would prevent accidents to persons getting on and off the elevators, and possibly through open doors to elevator shafts. Those two classes of elevator accidents comprise nearly 80 per cent. of all serious and fatal elevator accidents. There has been such a law, requiring safety appliances in the State of Pennsylvania since 1895, and the Chief of the Pennsylvania State Factory Inspection states that that law has been the means of reducing preventable elevator accidents very materially, where the appliances have been kept in proper order.

Mr. ELKUS: That is your invention, Mr. Clark?

Mr. CLARK: I am interested in several different problems, and among others, I am interested in elevator safety appliances, but I have never received any dividends from it, and may never; but since I have been engaged in it, for the past several years, I have obtained statistics, showing perhaps 8,000 or 10,000 elevator accidents, nearly one-quarter of which caused death. It has interested me to such an extent that I have given a large amount of time to this matter. When a woman patient at a hospital can be beheaded while she is still on the operating chair conveying her back to the ward rooms, and that hospital will not spend a few dollars for the purpose of making it safe, so that such an accident cannot occur again, it is time somebody has taken an interest in such matters.

There are many just such cases as that. This matter has been up for several years, and the members of the Senate and Assembly has taken more or less of an interest in it. Assemblyman Jackson, of your Commission, a man who has really got a lot of humanity in his makeup, and red blood, introduced a bill, I think, in May, 1911, that had been recommended by the Wainwright-Phillips Legislative Commission, of which he was a member.

Mr. ELKUS: Did they raise the question there of a patented article?

Mr. CLARK: That is always raised, and the comment which is made is forgotten the next instant, because they have all been told that there are from twenty to thirty different systems, owned by twenty or thirty different people or concerns, that would be the means of protecting human life.

DANIEL O'LEARY was recalled:

By Commissioner PHILLIPS:

Q. I think you testified in the ready made clothing trade there were 8,000 home workers? A. Yes.

Q. And all that work is done in the tenements? A. Those are what we found. This table is from my last report. I will just read it through so that you will understand it.

In the 12,755 houses, there were a total of 147,512 apartments. separate apartments; 4,691 houses had no work in; 1,500 of those houses had separated shops in them - that is, stores used for manufacturing purposes, having no connection with the living rooms.

Q. But were in a tenement house? A. Yes. In those 1,500 houses there were employed 4,140 persons. The total number of all employed in the shop and living apartments was 20,446. There were in that number of houses that I have named, 14,341 apartments that were used, living apartments used for work. In the 14,341 living apartments there were employed 16,303 of the 20,000.

Q. That covers all kind of occupations? A. All kind of occupations. There were 8,233 ready made clothing workers; 7,686 custom workers.

Q. And these 8,000 ready made clothing workers, they were at work in the tenements, and the people lived there? A. Yes.

Q. All of the employees lived there? A. Yes.

Q. Or approximately all. Do you know what proportion that 8,000 employees bears to the employees engaged in the ready made clothing trade in New York City? A. I do not know the figures of that total, but it is very large.

Q. It is a large proportion? A. Yes; the work outside the shops, the part worker, the part of the work they do, in my judgment does never come into competition with the shop work; it is that part of the garment that cannot be done in the shop by machine, sewing on the waist linings, filling bottoms of trousers; sewing on buttons or fixing button holes. That cannot be done with the machine in the shop.

Q. It could be done in the shop? A. It could, if they took the same workers in the shop, but it could not be done by machine.

Q. The shops are all a part of the living apartments; they are not segregated and away from them? A. No, no.

Mr. ELKUS: I wish, Mr. O'Leary, you will put in writing your further comments, and I will add it to the testimony with the same force as though you stated it here.

Mr. O'LEARY: All right. In the preparation of the legislation, if here is anything we can do, I will be very glad to help you.

Mr. ELKUS: We will call on you.

By Commissioner PHILLIPS:

Q. Do you have a condition of this kind in New York City anywheres, where the home workers have a shop separated or detached from their residence? A. You mean a rear shop?

Q. In Rochester, the clothing people, the home work there is done in the back yard, detached from the house, and is really a place of business separated from the home? A. Yes.

Q. Does that condition prevail here at all? A. To some extent.

Mr. ELKUS: That is a shop by itself.

Q. Homework in a rear shop by itself in the back yard? A. Yes. The number of rear shops in the Greater City is 340.

Q. That includes all kinds of work? A. That includes clothing work.

Q. How many employoes are there doing the clothing work? A. Four thousand six hundred and thirty-seven.

Q. That is in addition to the 8,000 you have spoken of? A. Yes, sir.

A. In addition to the 8,000 who do the clothing work at home, there are 4,000 who do it in rear shops? A. Yes. I know the conditions up-State.

Q. What are the conditions in Rochester as compared with New York City? A. Generally good.

Q. You think the conditions in Rochester are good? A. I do.

Q. In the clothing trade? A. Yes, sir.

PAULINE GOLDMARK was recalled:

Examination by Mr. ELKES:

Q. You want to make a statement? A. Yes, sir; a few words about the request of the candy manufacturers for an extension of hours beyond the Fifty-four Hour Law, that I think ought to be stated for the sake of the record.

They ask for some exemption for 120 days. Their suggestion was this morning for 120 days, three months before Christmas, and 60 days before Easter, in which they ask for 10 hours a week in addition to the 54 hours allowed in the present law. They base that claim upon the fact that it is easy work, and that it is very healthful work, therefore, as they are pressed by orders and work, on what they call perishable material, they ask for that exemption. Now, they claim that this work is of such a character it would not injure the workers, that it is less arduous than most industrial work. This I think ought not to stand uncorrected. A great deal of the work is carried on in the ammonia-chilled atmosphere, in which the the girls work at a temperature varying from 54, say to 64 degrees, sometimes falling lower. That is in itself an exposure which adds very much to the physical strain of the work and the reduction of one's vitality; so much so, that last year we found a case of a girl, who, tired out by long hours of work, was examined in one of the hospitals, and found acutely ill. She had been working in a large candy factory more than 60 hours a week. The doctors laid her rheumatism to the fact of over-fatigue and long hours of work in the ammonia chilled atmosphere.

Then one more remark about wages, which I think ought to be corrected. The majority of the workers are the unskilled workers. The chocolate dippers and candy dippers who work in the chilled

ammonia atmosphere are the skilled workers, and do get from \$8 to \$12; but by far the larger number of workers, who work at great speed, are getting a very much lower wage, running from \$5 to \$6 at the present moment in the candy factories of New York.

Miss Dreier reminds me of the claim that this material is so perishable that they have to have the extra time for the rush season. Of course you know they ask for an exemption from the 15th of September to the 15th of December. A great deal of the hard candy made in these months is sent to South America and all over the world. Even in regard to the highest class of chocolates and bon bons, I was told last winter by a prominent manufacturer of one of the finest grades, with a great deal of pride, that he was selling his product in London and Australia last winter, and finding it perfectly fresh. Under such conditions it seems to me that the claim of extreme perishability of this article falls to the ground.

Q. It has been stated here this morning that those who have testified have taken exceptional cases; what have you to say about that? A. I cannot see how that can be laid up against the commission's investigation, or our investigation. We have not cited exceptional things. We have gone and taken the tenement houses of certain streets, and have taken certain manufactures, and have not selected the cases. We have taken one after the other.

WILLIAM N. NEWELL, mechanical engineer of the Bureau of Factory Inspection of the Department of Labor was then called upon.

Mr. ELKUS: You are connected with the New York State Labor Department?

Mr. NEWELL: Yes; mechanical engineer.

Mr. ELKUS: And you have some recommendations to make to the Commission with reference to Bills number which?

Mr. NEWELL: I have gone over several of them.

Mr. ELKUS: Have you put your recommendations in writing?

Mr. NEWELL: No, sir.

Mr. ELKUS: We are very much pressed for time, and the Commission will be obliged to you if you will put them in writing. It will be made a part of your testimony, just as though you testified. Will you do that?

Mr. NEWELL: Yes.

Mr. ELKUS: When can you do it?

Mr. NEWELL: I will try to have it ready by Monday or Tuesday.

Mr. ELKUS: Send it to me by Tuesday?

Mr. NEWELL: Yes.

Mr. ELKUS: Mr. Chairman, we have here, as you know, the chief factory inspector of Illinois; they have abolished cellar bakeries in Chicago. I think if we could get a word or two from Mr. Davies it would be very interesting.

EDGAR T. DAVIES:

Mr. ELKUS: I would be very glad to have you state just what you like, and if you will afterwards give us any additional views in writing, Mr. Davies, we will be very glad to make it a part of your statement here.

Mr. DAVIES: I think the best speech I can make is to make it short, because of the hour, considering that everybody is tired.

In regard to the bakery law, that is a city ordinance of the council of the city of Chicago, regulating bakeries in basements, and the limitations and restrictions of the work. A Supreme Court decision has recently been handed down sustaining that law, and we have been getting along very well.

Mr. ELKUS: You have prohibited cellar bakeries in the future?

Mr. DAVIES: The city of Chicago has. The results are good. It has not caused the disturbance we thought it would. We have a similar industry to the manufacture of butterine and ice cream. We found by putting a limitation on the height of the basement we could best control it that way.

Now, in so far as the law of governing the hours of women is concerned, I have had some little experience along that line which may be of interest to your Commission. Our laws are rather strict in the case of numerous lines of employment, mercantile, factory or mechanical establishments, laundries and hotels, public utilities, telephone and telegraph, and a number of employments like that; ten hours a day and there is no weekly limitation. All kinds of claims were made that they could not live up to the ten-hour law in the seasonable trades, canneries, manufacturing candies, etc. That I think was their earnest and sincere and honest impression at that time, and when the bill was under consideration. But the result has been, in its enforcement, where it has been equalized and distributed in its enforcement, that all have to obey the same rule, and each one was put on the same basis as his competitor, which would not be the case under the ordinary lax enforcement. But the stringent enforcement all over the State put everybody on the same basis of competition.

What has been the result? No one ever opposed the hours of limitation stronger than the laundrymen of Illinois, or of the city of Chicago. A number of them have been prosecuted. We were a little patient with them on the start, had meetings with them as a committee of the whole, of their association. It is a matter of record, told to me by the secretary of the Laundrymen's Association, that 90 per cent. of the members of the Association now are on record among themselves, of being willing to maintain a lobby at Springfield to fight any recall of the law.

This attitude is based on economic value and improved efficiency; they found they could get better work out of their employees. I think that same thing holds true in a number of other trades. It has been said they could not do it in canneries. Well, I find that after we prosecuted a few canners down in Illinois, and a number of them were convicted — we did not make the penalty over severe, but severe enough to let them know we meant business, and the penalties would rise as they violated they law, to-day they are kept well in obedience to the law. We have had four or five violations this year.

I believe there is much to be said on both sides of the question as to what is a model law of limitation, as to the minimum number of hours.

In regard to accident prevention, it seems to me we should all feel very greatly gratified that in the last four years in this country there has been an awakened public sentiment that has resulted in an echo in the state capitols responded by legislation to protect life and limb, the conservation of life.

We have had laws regarding machinery, laws about elevators, stairways, and things of that kind for years in the various states, but little was accomplished under it. Why? It is very easy to see. Most of the departments in the United States heretofore, and I regret to say most of them to-day, with some exceptions, and I think your own State is quite an exception — you have done excellent work, with rare capacity — most of the departments are political plums.

You cannot expect, Mr. Chairman, to get a safety man, you cannot expect to get a man of good intelligence, standard intelligence, and say a man of recognized ability, and put him into a factory inspector's position to go around and make a survey of a plant, from the point of hazards, looking for zones of hazard, expecting to protect the workers, within that plant, to a degree of accurateness, with a knowledge of that particular industry, and the other industries, and to apply that viewpoint so as to find out how to cure this evil and do it, by simply taking a man and woman because they are strong in any organization, or any particular district, or any particular party. It takes years of training. I have found it takes about six years to train a factory inspector, to make a real inspector. We have in this country an examination for inspectors; they are put through an oral test and a written test, and we prepare an eligible list under civil service rules and think we are going to get good factory inspectors. Not at all. You have to have specialists; you have to have electricians, ventilating men, mechanical engineers, and chemists.

I believe the best way, instead of my rambling on here, if you desire, is for you to ask me questions; I will be very glad to answer them. Otherwise, I should like leave to print, as it were.

MR. ELKUS: Mr. Davies, you will send us a memorandum, will you, which we will add to your statement?

MR. DAVIES: Yes.

MR. ELKUS: I will be very much obliged if you will get it to us within the next ten days.

MR. DAVIES: It seems to me that the big asset, when you are dealing with life and limb, the big asset of the whole thing is knowledge, applied knowledge. We are in the habit in this country of changing our administrations so frequently, that we throw away just that material which we have spent so much to build up. Take an engineer, a man starts as a fireman and works up until he can run an engine and you discourage him just as he learns to run the engine. That is the system throughout the United States and it will have to cease.

THE CHAIRMAN: The Commission will stand in recess until Monday, December 9th, at the Supervisors' Chamber in the City of Buffalo, ten o'clock.

Adjourned to December 9, 1912, at 10 A. M.

**MEETING OF THE STATE FACTORY COMMISSION HELD IN
THE SUPERVISORS' CHAMBER, CITY AND COUNTY HALL,
BUFFALO, N. Y., DECEMBER 9, 1912, COMMENCING AT
10:30 A. M.**

Present:

HON. ROBERT F. WAGNER, *Chairman*,
HON. ALFRED E. SMITH, *Vice-Chairman*,
HON. EDWARD B. JACKSON,
HON. CYRUS W. PHILLIPS,
MISS MARY E. DREIER, *Commissioners*.

Appearances:

MR. ABRAM I. ELKUS, *Counsel for Commission*.
MR. B. L. SHIENTAG, *Assistant Counsel*.
MR. JOHN W. VAN ALLEN, *Representing Committee of Manufacturers Who Are Members of the Chamber of Commerce of Buffalo, Also Retail Merchants' Association of Buffalo*.

Chairman WAGNER: The Commission will come to order.

Mr. ELKUS: Mr. Chairman, we will follow the same policy in this city to-day as we have pursued during the hearings in Albany and Troy and in the city of New York during the past ten days or two weeks. The Commission has had prepared in tentative bill form the suggestions which have been made to it in the form of proposed bills, so that these suggestions might be in a form which could be acted upon with dispatch, with care and with thought, but not in any way committing the Commission to the legislation which appears to be proposed by the bills themselves.* In other words, instead of waiting until the legislature convened and this Commission submitting a report which in general terms would describe what the Commission intended to recommend in the way of legislation, and then having the bills presented thereafter and having short hearings before Committees of the Legislature, giving scant time to all parties interested to discuss the bills and their particularities,—this plan permits

*The tentative bills referred to are at the end of this volume.

first a very full and complete discussion of the principles involved as set forth in the proposed bills, and permits those in charge of the drafting of the bills to have the best thought upon the subject from all sides. In other words, we are dealing with the subject in the fairest and best way we possibly can. This is a unique departure in the matter of legislation. From such researches as we have been able to make, we have never found a legislative Commission which was willing to have its proposed legislation put in this form and discussed and sent broadcast throughout the state. We have in Buffalo as we have everywhere else, invited to this session to-day people on all sides of the questions before the Commission. We have asked the manufacturers to come, we have asked the heads and owners of stores and business places and mercantile establishments to come; we have asked the workers of those establishments to come; we have asked the working men and labor unions to send their representatives; we have asked the workers in charities and the people who have given this subject special thought to come; so that all may be heard at length and may give their views and discuss these matters to the end that the bills and the reports which may be made will represent the best thought of the State and the best thought of all the people who are interested in these subjects.

Furthermore, if there are any witnesses who desire to be called, I assume, Mr. Chairman, that you will adopt the same policy we have heretofore followed, and that is to permit these witnesses to testify under oath and to be examined and cross-examined by those parties who may have an interest in the subject matter of the testimony. In New York, for instance, when the bakery question was involved, we called a number of persons who testified to conditions in bakeries as they found them, and permitted representatives of the Master Bakers to ask questions; and this open method of conducting an investigation has been productive of very great and very beneficial results. In Albany the same policy was pursued with reference to the canneries. There the Commission had on the stand one of our inspectors employed in several of the canneries, and she testified at length from a diary which she kept of the conditions as she found them from daily observation, she herself working ten,

twelve, and fourteen hours a day, and she testified to the facts as she found them, in the presence of the man in whose employ she was. She was cross-examined without any change in her testimony, and her employer never went on the stand, although he was there, to contradict one single statement that she made. The same was true of Mr. Potter, who testified and was cross-examined at some length, and at the end of his cross-examination the counsel for the Canners' Association said that his investigations and his testimony had been most fair.

That sums up the aim of the Commission, according to your instructions, to be most fair to everyone and to every interest concerned.

The particular matters which we have before us to-day are the hearings upon these proposed suggestions for legislation, and in accordance with the usual practice we will call upon the manufacturers first who are represented here by counsel to present their side, their suggestions if that meets with your approval.

Chairman WAGNER: I just want to add that at our hearing in Albany where we had a hearing upon the cannery situation, we did not close the hearing until we told the twenty-seven canners who were present that if there was any additional evidence of any kind or character that they had to offer, we would be very glad to hear them; and they informed us then that they had produced all the evidence that they desired upon this subject. Since then the Commission has been informed that they desire to call two more witnesses. In order that there should be no question about our attitude to secure all the evidence from all sides possible, the Commission will to-morrow have another hearing in the City of Rochester upon the cannery situation and give the canners an opportunity to produce other witnesses. I just say this to show the public our anxiety to be fair in this matter and to produce evidence from all sides so that we may reach a fair and just conclusion.

Mr. ELKUS: Dr. Fronczak, the health officer of the City of Buffalo, is here, and he has official duties and I would like to call him at once. He has examined the proposed bills, and he would like to be heard.

DR. FRANCIS E. FRONCZAK called, stated as follows:

MR. ELKUS: Will you state for the record your exact position in Buffalo?

DR. FRONCZAK: Health Commissioner of the City of Buffalo.

MR. ELKUS: How long have you been Health Commissioner?

DR. FRONCZAK: Since March 26, 1910.

MR. ELKUS: You are a practicing physician for how many years?

DR. FRONCZAK: About sixteen years.

MR. ELKUS: Will you proceed in your own way and give us such facts as you think would be of interest to the Commission, and such other matters as you think we should know about.

DR. FRONCZAK: Have you got a copy of those proposed bills?

MR. ELKUS: Yes. Which one do you want?

DR. FRONCZAK: Beginning with No. 6.

MR. ELKUS: I might say about No. 6, before you begin to discuss it, that that is the bill which takes up the reorganization of the labor department, and after considerable discussion with a great many people who have given this subject considerable thought, the Commission believes that perhaps the suggestions as embodied in the bill should be somewhat changed. They think there should be an advisory board of either five or seven, and that the Commissioner of Labor should be one of that board, and if not Chairman of it he should be at least a member of it; that there should be no definition or qualification for each Commissioner; that the Governor should be free to appoint any suitable person, and not limit them, with this exception: that at least, if the Commission consists of five, one of the Commissioners, if they be called that, shall be a woman; and as to the salaries which have been specified in there, the idea of the Commission now is that they will say nothing at all about the salaries at the present time — the amount placed for salary of the Labor Commissioner was based somewhat on the salary which is now paid a Public Service

Commissioner, it being thought that for one Labor Commissioner, the dignity and the importance of that office was such that he was at least entitled to the same salary that a Public Service Commissioner receives, although there were ten Commissioners; but that was merely a suggestion; that provision will probably be simply left blank until we hear something more about it. It is the opinion of everybody that the salary should be raised from what it is now so as to be more commensurate with the dignity and importance of the office.

Dr. FRONCZAK: If the Commissioner was appointed on his merit, I should think it should be at least \$15,000.

Mr. ELKUS: You go right ahead, Doctor, I don't want to interrupt you.

Dr. FRONCZAK: In bill 6 they speak of the number of inspectors, and I refer here mostly to the two school inspectors. Now, if the number of inspectors -- I was thinking of No. 19. They say there should be a number of medical examiners to examine the children between the ages of fourteen and sixteen. I think the proposed bill speaks of only four or five such medical examiners.

CHAIRMAN WAGNER: Do you think there should be more?

Dr. FRONCZAK: These men would never be able to examine the children in ten years, the number of medical examiners provided by the bill --

Mr. ELKUS: These five medical inspectors are simply permissive. These children are now supposed to be examined by the local commission, who grant a certificate.

Dr. FRONCZAK: This bill provides that after a child receives a child labor certificate he should be re-examined from time to time. Our experience shows that the great number of children who receive the child labor certificate are between the ages of 14 and 16, and they are just about inside of the line of being healthy, but perhaps a few days or a few weeks of work will get them in the subnormal class again that they should not be permitted to work. I believe children of that kind should be stopped from working.

Mr. ELKUS: Have you in your experience found many children who had been granted certificates when they were fourteen who become in such condition of health that they ought not be allowed to work within a few months thereafter?

Dr. FRONCZAK: We did. For instance in 1911 out of 4,288 applications for child labor certificates it was necessary to reject 467, about almost ten per cent. Of the balance quite a number were found, after working a very short time, to become physically subnormal, and they were not able to work. This year from January 1, 1912, we have examined 4,039 children, and we found 611 were rejected from our office —

Mr. ELKUS: Those children had already been granted certificates permitting them to work?

Dr. FRONCZAK: Yes.

Mr. ELKUS: And on re-examination a few months afterwards you found, either because of the work they were doing or their general condition of health, that they should not be allowed to continue.

Dr. FRONCZAK: Correct. This new law went into effect October first, and in this city on a slight misunderstanding I refused to grant any certificates **unless they gave me authority to have a medical examiner for that purpose.** We have examined 420 children so far, and —

Mr. ELKUS: That is the new law?

Dr. FRONCZAK: Yes.

Chairman WAGNER: You are examining them now?

Dr. FRONCZAK: Yes, we have a medical inspector, female attendant and a secretary, and also a room where they can be examined. Formerly they were examined in a general room. We examined 420 children and rejected so far 58, and I am quite sure that of these 360 who are allowed to work probably ten per cent. will be subnormal within two or three months. Under the present law they are just able to grant this certificate to them.

Mr. ELKUS: So that it looks to you that about one-third of the children who apply for leave to go to work are not physically fit to work?

Dr. FRONCZAK: After a very short time, yes.

Mr. ELKUS: Up to the time that this law was passed providing for this examination, these children were permitted to go on working although their health was bad?

Dr. FRONCZAK: No. After granting a certificate they became ill and were allowed to work. The law does not go far enough. I think it should extend to men and women; not only those from 14 to 16 years, but in certain industries men and women should be examined from time to time.

Mr. ELKUS: You think that is advisable?

Dr. FRONCZAK: I think it is very advisable.

Mr. ELKUS: Will you as a physician tell us what is the effect of employment of these children between 14 and 16 who are physically unfit; does it increase the death rate or disease?

Dr. FRONCZAK: It certainly increased the morbidity and mortality rates.

Mr. ELKUS: What about tuberculosis?

Dr. FRONCZAK: The number of tubercular cases is much enlarged by children being allowed to work in that condition.

Commissioner PHILLIPS: What is the nature of the defects that these 58 children were rejected for?

Dr. FRONCZAK: They were pale, anemic, had heart disease, lung troubles, deficient eye-sight, deafness, hunchbacks — most all kinds. About 14 per cent were rejected in about a month and a half. Many of these children who receive their certificates, no doubt, within three or four months many of them, after examination, should not be permitted to work.

Chairman WAGNER: Your point is that there ought to be re-examinations from time to time?

Dr. FRONCZAK: Yes.

Chairman WAGNER: You think there should be a law to provide for that?

Dr. FRONCZAK: It should be mandatory.

On proposed bill No. 10, posting abstracts of labor laws — I have seen some of these abstracts and translations of them, and while I think I know certain languages, I could not understand them.

Mr. ELKUS: The bill provides for proper translation. That is up to the labor department.

Dr. FRONCZAK: Yes, but the translations are far from proper. I think somebody should see that there is proper translation.

Now, No. 13 and 14, which provides for high backs for seats for females in factories and mercantile establishments.— there is a law now which provides chairs and stools, but you know very well that these girls are not allowed to use them, both in factories and in mercantile establishments. We had complaints time and again which on investigation were proved to be so, that as soon as the girl would sit down somebody would ask her if the factory or store was for sitting around and not for working. The chairs were there in compliance with the law, but no one was allowed to use them.

Commissioner DREIER: How would you meet that situation?

Dr. FRONCZAK: I believe if a girl who tried to sit down and had nothing else to do at that time was prevented from using the chair, if one or two merchants or factory superintendents were to be fined, I think it would be a lesson that they would need.

Chairman WAGNER: That is a matter of enforcement with which we have nothing to do.

Dr. FRONCZAK: The Labor Department is supposed to enforce the law, but they don't, because we get complaints very often.

Commissioner DREIER: The difficulty is that the girls are afraid to testify or else they would lose their positions. How would you meet that situation?

Dr. FRONCZAK: In election times persons are allowed two hours to go away and vote, and if an employer would not permit him he would be liable to fine and imprisonment. I think if a girl should be discharged for testifying to what is true, that the grand jury ought to indict them and they should be fined and imprisoned.

Chairman WAGNER: They would put the discharge on some other grounds.

Dr. FRONCZAK: I suppose they would, but I believe one or two lessons might be effective. Bills 16 and 17, the employment of the women in core rooms, and the foundry bills. I understand that a good many well meaning citizens are in favor of allowing women to do work in core rooms and foundries. I can't see it that way. I don't think a woman should be allowed to work in a foundry.

Chairman WAGNER: It is no place for them?

Dr. FRONCZAK: No.

Mr. ELKUS: Are you in favor of allowing women to work in these slaughter-houses?

Dr. FRONCZAK: That is a different proposition. I believe that it would be possible to employ men, but outside of the unaesthetic side of it, and standing probably in water part of the time and seeing blood all the time, that their natures may be hardened — outside of that I don't see any —

Mr. ELKUS: You don't think it is a good thing for a woman to stand in water even part of the time?

Dr. FRONCZAK: Certainly, the aesthetic —

Mr. ELKUS: Outside of the aesthetic part of it?

Chairman WAGNER: How about the health of a woman standing on a moist floor in water?

Dr. FRONCZAK: If she wears rubber boots and otherwise is well clothed I don't see any danger, provided the ventilation and all fumes and odors are taken out; I don't believe the dangers are as great as usually thought.

Mr. ELKUS: This Commission has personally examined some packing houses in Buffalo, and we certainly did not find the odors taken away.

Dr. FRONCZAK: I say if they were taken away.

Mr. ELKUS: And we found a number of women working in water.

Dr. FRONCZAK: If they wore rubber boots and their feet were properly taken care of I don't think there is much danger. It is claimed of course by many that they are likely to catch cold and have catarrh and rheumatism.

Commissioner DREIER: What is the particular evil in the foundry why women should not work there?

Dr. FRONCZAK: Carrying heavy weights.

Commissioner DREIER: That could be remedied — it is now in some places.

Dr. FRONCZAK: Also bad ventilation, dust, fumes and odors.

Commissioner DREIER: Those could be remedied?

Dr. FRONCZAK: Yes, by various fan systems, ventilation and apparatus.

Commissioner DREIER: If it was remedied, would there be any objection to women working in foundries?

Dr. FRONCZAK: I don't think you can eliminate fumes and odors from a foundry as at present constituted.

Mr. ELKUS: You say you are opposed altogether to women being allowed to work in core rooms and foundries?

Dr. FRONCZAK: Yes.

Mr. ELKUS: Why?

Dr. FRONCZAK: As I answered Miss Dreier, because they have to carry heavy weights, then the fumes, dust, smoke is detrimental to their health.

Chairman WAGNER: Do you think the nature of the business is such that these fumes and odors cannot very well be removed?

Dr. FRONCZAK: Hardly.

Mr. ELKUS: I received a letter from a woman in a foundry who worked in a core-room, and she said she wanted to continue working there. This bill does not prohibit them working in foundries; it permits them to work, provided they put up a partition between the core-room and where the oven is.

Dr. FRONCZAK: I think women should be stopped from working in foundries, because I believe even if partitions are erected it would not be full compliance with the law.

Bill 22, providing for drinking water, washrooms, dressing-rooms and waterclosets — there is a law now that we know in many factories water is brought from different buildings in pails and kept there and many women have to drink it; their dressing-rooms sometimes consist in putting an apron or canvas in a corner of a room and simply call it a dressing-room; also there are some waterclosets used by both sexes, although attention has been called to the violation of the law.

Mr. ELKUS: Do you approve, then of the amendment provided for by this bill?

Dr. FRONCZAK: I certainly think so.

Mr. ELKUS: Do you think it is necessary from a sanitary standpoint?

Dr. FRONCZAK: Yes.

Commissioner PHILLIPS: Are you speaking of Buffalo and the conditions here?

Dr. FRONCZAK: Yes.

Mr. ELKUS: Do you know whether or not those conditions exist in Rochester?

Dr. FRONCZAK: Well, reading in the papers, I should think Rochester is much worse than here.

Now, as to proposed Bill 25A and 25B and 26, those are very good bills. In reference to No. 26 I might say that we don't allow any cellars for bakeries at all.

Mr. ELKUS: Were there some here?

Dr. FRONCZAK: There were quite a number of them.

Mr. ELKUS: Was it any very great hardship on them to eliminate them?

Dr. FRONCZAK: They all seem to comply.

Mr. ELKUS: Did they erect basement bakeries?

Dr. FRONCZAK: Erected proper ovens and took them away from the cellars.

Mr. ELKUS: Did they put them in basements, or are they all on the street level?

Dr. FRONCZAK: Yes.

Mr. ELKUS: It has not driven any small bakers out of business, has it?

Dr. FRONCZAK: Not to my knowledge.

Chairman WAGNER: How long ago since you did that?

Dr. FRONCZAK: The last three or four years. All candies, ice cream factories, bakeries and foodstuffs of that sort, simply had to comply with the rules of the department.

Mr. ELKUS: Has this been done within the last year or so?

Dr. FRONCZAK: A few in the last year, yes.

Mr. ELKUS: Since this Commission was here before?

Dr. FRONCZAK: Yes, and some before that.

Mr. ELKUS:

Q. Did that apply to erected buildings? A. All of them.

Q. Those who were underground, had to get out? A. Yes.

Q. Did you find any difficulty about having their ovens built on even grade? A. There was some objection at first, but it was a

question of putting them out of business or complying with the law. They came many of them afterwards to us and said they were glad they had to do it; their men did better work and the sanitary conditions were better. They came of their own free will to tell us so.

Bill 31, "Canneries, employment of women and children in, and the hours of labor." I have had very little experience with canneries, but I know in certain parts of the city entire families, from children probably three or four years old, entire families emigrate in the summer and work in the canneries until sometimes late in the fall. We found secondly a few months afterwards that the number of illegitimate children increased, and we have been able to trace that back to the canneries. The illegitimate number of children born increase in certain months.

Q. That is due I suppose to the immoral conditions under which these families are housed? A. I suppose that would be the explanation.

Chairman WAGNER:

Q. We had evidence before us that they would have in one room in some cases women and men sleeping in the same room. A. I have heard that before.

Q. I say we have had such testimony. That you consider improper? A. Yes, I certainly consider that improper.

Q. The law ought to stop it, don't you think so? A. Yes. Also I understand that many of these men, women and children sleep in sheds with absolutely no sanitation, privacy or anything else.

Commissioner DREIER:

Q. You think there should be better regulation of the housing in the cannery district? A. Certainly.

Mr. ELKUS:

Q. You don't think young children under fourteen years of age should be allowed to work in canneries? A. I don't know about fourteen, but you certainly should go after them under the age of eight and ten. I know from what the parents themselves tell me that children as young as four and five work in them. I asked

them what they were doing and they said they were snipping beans and things like that.

Mr. ELKUS: Of course, the members of the Commission saw that themselves.

Chairman WAGNER: Yes.

Q. What effect does it have on the health of the children? A. Working even a few hours in that way a child certainly in due time will become aenemic, pale, will become stunted, because I believe a child of that age should be playing in the open air, not working in a factory.

Q. Suppose they work in a shed, which is practically outside air, don't you think that it is unhealthy for a child of eight or nine or ten, eleven or twelve years of age, to concentrate all day long in this work? A. Yes. They will not develop as they should.

Q. Become stupid? A. Yes.

Q. It has an effect on them physically? A. Yes, because their lung capacity is not fully developed; they cannot exercise certain muscles they should exercise as in playing.

Commissioner DREIER:

Q. You are in favor of putting the cannery sheds under the factory law? A. I am certainly strongly in favor of it.

Mr. ELKUS:

Q. What do you think of the hours of labor of women in canneries — you read the disclosures which were made before the Commission of women working eighty, ninety, a hundred and as high as one hundred and nineteen hours a week? A. I think if the law applying to cruelty to animals was applied here, I think they would be indicted much less to human beings.

Chairman WAGNER:

Q. We had a canner before us who I think was perfectly sincere. I think he simply has an old time notion of government. His idea was that the government should not interfere, that a woman was her own boss just as a man is, entitled to freedom, and if they want to work one hundred and nineteen hours a week they should be allowed to. Is that your idea? A. No. The

government has a certain right over every person. I believe a woman is quite a natural resource, and should be protected.

Mr. ELKUS:

Q. Those people are liable to become a charge on the community, are they? A. In time, yes.

Q. Take the case of a young child who works that way for long hours; what is the effect upon his or her health if he or she grows up and if she becomes a woman and he becomes a man, does it last through life? A. It is liable to become permanent.

Q. So that as a matter of fact the State, in order to preserve manhood and womanhood, ought to stop this child labor? A. It certainly ought to.

Chairman WAGNER: Look at this time card. This is one of the time cards, one of the photographs shown the Commission? A. A woman working a total of 117½ hours for the week. Any employer who would permit a woman or any man to work these hours should be indicted on general principles.

Q. How much did she earn for that? A. Ten cents an hour, in other words about \$10.75.

Chairman WAGNER:

Q. How long can a woman of that kind last? A. If she worked that way for about two months she would be a physical and nervous wreck.

Q. For two months? A. Yes.

Q. She could not certainly make a very healthy mother? A. No.

Commissioner DREIER:

Q. If she had three or four days rest after these extreme hours would that counter-balance or counteract the extreme hours? A. No.

Q. It is unjustified under any circumstances? A. Yes.

Mr. ELKUS: Mr. Van Allen represents a committee of manufacturers here who are members of the Chamber of Commerce, and the Retail Merchants' Association and he desires to ask the Doctor some questions if you have no objection.

Chairman WAGNER:

Q. Have you any objection, Doctor? A. No particular objection.

Chairman WAGNER: It must be pertinent to our inquiry of course.

Mr. VAN ALLEN: Certainly.

Cross-examination by Mr. VAN ALLEN:

Q. In your reading of these bills have you found any conflict in authority or interest between the Labor Commissioner and the Health Department of the city of Buffalo as now constituted? A. Some.

Q. That is to say, the Commissioner of Labor has certain functions relating to hygiene and health of factories and mercantile establishments that in a certain way duplicates or is inconsistent with that which you are doing in the Health Department of the city of Buffalo? A. In some ways, yes.

Q. Would there be any reason in your mind why the local Health Department in cities like New York, Buffalo and other cities of the State where they have a good representative Health Department, that they could not attend to the duties which are ordinarily prescribed in these bills for the Commissioner of Labor to do? A. Provided they had the proper appropriation and proper number of men to work with.

Q. That is to say if the State legislation was such that the local Health Department was permitted to employ a sufficient number of men, you could complement the work of the Commissioner of Labor in so far as it relates to hygiene and sanitary conditions. A. I believe I could.

Chairman WAGNER: You don't mean that the State Legislature would have to provide the Doctor with appropriations, do you?

Mr. VAN ALLEN: I don't. I mean they should make such legislation as would be compulsory for them to provide.

Chairman WAGNER: Is that not against all principles of home rule?

Mr. VAN ALLEN: Not in cases of police power.

Mr. VAN ALLEN:

Q. In connection with this legislation you have mentioned where certificates are required for children to work in factories and mercantile establishments, will you be good enough to tell this Commission the general criticism that was passed here in the city of Buffalo upon that measure; I mean to say what was the particular criticism? A. The particular one was that the examination was too strict; that young girls at the age of 14 were examined by men physicians; they were exposed unnecessarily and became bashful; that it is an unnecessary expense; that there is no reason why Albany should provide laws of that kind; that it is a matter for the cities themselves to consider what is the proper thing for their citizens in the line of labor; that they cannot apply a law which is for the entire state and that can be applied in New York City or Buffalo, for instance; that local people understand local conditions the best.

Chairman WAGNER:

Q. General objections? A. Yes.

Mr. ELKUS:

Q. That is the criticism of the bills which you approve? A. No, that is the law which went into effect October 1st.

Q. You approved of that law going into effect? A. I certainly did.

Mr. VAN ALLEN:

Q. Leaving out the expense in connection with that particular thing, was there not some criticism because they thought the Health Department in certain cases ought to be permitted to accept the certificate of a licensed physician who was the family physician? A. Yes, that was one of the objections raised.

Mr. ELKUS:

Q. You don't believe in that? A. I don't.

MR. VAN ALLEN:

Q. What would be the objection to having the family physician issue a certificate as to health, etc., and then afterwards you issue a license upon that certificate?

Commissioner PHILLIPS: Wait till he answers the question.

A. This objection was raised by some members of the Board of Aldermen. They claimed that a family physician should examine the child and then certify to us. I believe in the integrity of the family physician, but I believe that many of them might be biased or prejudiced because if a parent insisted a child was well they would issue a certificate notwithstanding that the child would not be well.

Q. Suppose that the Health Department here should have authority to accept these certificates or reject them; would there be anything vicious in that provision if the legislature should see fit to give that elasticity to it? A. Repeat that question.

Q. Supposing that the Health Department was permitted to either accept the certificate of the family physician or could compel an examination of its own; would that be too elastic in your judgment? A. I think it would be too elastic, and I believe the Health Department of the city would probably be in a pock of trouble all the time with the medical profession of the city, with whom we are trying to co-operate, and they are trying to co-operate with us at present.

Q. I supposed that lawyers were the only ones that had any trouble of that kind. A. (No answer.)

Chairman WAGNER: On the question of the family doctor, I would like to make one suggestion to you. We had before us a number of letters from physicians of a certain locality to show there were no ill-effects of children and women working in the canning industry. There were a number of letters brought to us from one particular city. I think that nearly every doctor practicing medicine in that city gave an absolutely stereotyped letter in which the name of the doctor was inserted, and they got every doctor of that particular city to sign that letter, certify to it. That perhaps may be pertinent to your suggestion of having the family doctor give the certificate.

Mr. VAN ALLEN: My question was directed latterly to the problem of whether it ought not to be permissible to the Health Department to accept the family physician's recommendation, providing he was honest, etc. In other words provide some elasticity for the Health Department. A. I don't believe the Health Department of the city would care for that provision of the law.

Commissioner PHILLIPS: Is it your idea that if these changes were made that some of the 58 children that were rejected by the Health Department would not have been rejected and would be working in factories now?

Mr. VAN ALLEN: No.

Commissioner PHILLIPS: Is that not the purpose of asking the changes?

Mr. VAN ALLEN: No. I wanted to get before the Commission the proposition that has been very much discussed in the city of Buffalo, and that is that this present provision of the law requiring an examination in the office of the Health Department has been criticized because it did not permit the family doctor, who was familiar with the life of the individual, to give a health certificate, but compelled children, particularly girls between fourteen and sixteen years of age, to appear before a doctor holding a public office —

Chairman WAGNER: I can see how some good sincere people might raise that criticism; but if you look at the other side of it, you can see possibly the danger there would be in it.

Mr. VAN ALLEN: I only wanted to bring the information before you.

Q. After examining these children for physical defects or otherwise, and then later examining them again, is there any way in which you can tell whether the physical condition after this first examination has been caused by conditions under which they work or conditions under which they live, or whether it is a constitutional defect which later appears after your first examination? A. It all depends on the employment, the work they were doing. In some cases you can see it is due to the work, in other cases due

to the unsanitary conditions of their homes, in other cases due to constitutional conditions. But no matter whether it is the first, second or third, if the child is physically sub-normal at that time they should not be permitted to work.

Q. What I wanted the Commission to understand is that no inference is to be drawn from your previous testimony to the effect that it is all due to improper factory or mercantile conditions?

A. No, not at all. I simply want to say that no matter how the child got in that condition, the child is not well physically, and is liable to get worse, and the child should not be permitted to work.

By Mr. ELKUS:

Q. You simply want to accentuate the necessity for the examination by an independent authority? A. Yes.

Q. Take a family physician. If you take a certificate from that source it would be a matter of form? A. In most cases they would probably accede to the request of the parents and certify a child was well even if it were unwell. I don't mean to say by this that physicians are not honest or anything else, but I simply mean that there would be a certain bias or prejudice which might tip the scale the wrong way.

By Mr. VAN ALLEN:

Q. The physicians in the Health Department are also actuated by human instincts in the same way the family doctors are, are they not? A. One of the axioms of departments is that scientific knowledge unless well seasoned with common sense, is of no practical value. Where physicians do not use the milk of human kindness with their common sense and other knowledge they have no business to be in our department.

Q. That is the understanding we had. A. Your understanding was correct, Mr. Van Allen.

Q. In connection with the mercantile establishments here, rest rooms are provided generally in the large department stores? A. They are provided.

Q. And they are generally used, are they not? A. I would rather not answer the question, but they are provided.

Q. You have no information probably as to how much they are used? A. There is considerable objection and the girls have written us time and again, that the rest rooms are provided, some very fine couches, chairs, libraries, etc., they are always there, nice to look at.

Q. They are used, are they not? A. In some cases they are used, permitted to be used.

Q. I take it that you want to be fair? A. Yes.

Q. Particularly Main street and other department stores of this city generally permit their employees to use the rest rooms? A. No insinuations that any of them don't do it, but we have complaints that some of them don't.

By Mr. ELKUS:

Q. What do you mean by that? A. That there are rest rooms, but the girls many of them when they go to the rest rooms they are asked in a very short time to get out because they ought to be on their floor working.

By Mr. VAN ALLEN:

Q. Right along that line: do you know of any way in which government legislation could take care of the problem of how many minutes you should work and how many minutes you should sit down, and could discriminate as to when a girl had worked long enough or when she had sat on this seat long enough or when she had been in the rest room long enough? A. It would be very hard to regulate that; but there are certain periods in a woman's life when she ought to be allowed to go out without saying anything at all to anybody.

Q. But you don't know of any instance in the city of Buffalo—where such things are not permitted, do you? A. I would rather not be asked that question.

The CHAIRMAN: The question of the enforcement of the law is really something we cannot go into very thoroughly to-day.

Mr. VAN ALLEN: I have finished on that subject. It was more along the line of the enforcement in the Doctor's knowledge.

Q. Do you think that the odors could be removed in the slaughter-houses so that women could work there? A. I suppose a proper ventilation system would do it.

Q. In all of your testimony you seem to emphasize to a considerable extent the dire punishment that should happen to an employer if one or more employees should work longer than the prescribed hours per day. I want to ask you whether in your opinion you think that that sole punishment should fall upon the employer when he is importuned by employees to allow them to work for a longer period than prescribed? A. I don't think any employee would ask an employer to be allowed to work 21 hours out of 24. (I think in this case the employer is looking more to the revenue than the sanitary conditions —

Q. I am speaking in general. Should the employer be compelled to stand the entire punishment when as a matter of fact either the necessities of the case or because of their desire to do so the employee insists — or take another instance where the law might prescribe that no person should work beyond nine hours per day, and he works five hours in one establishment and four hours in another and tells you that you are the only person he is working for; should the sole punishment then fall upon that employer?

The CHAIRMAN: It does not, unless he knows?

Mr. VAN ALLEN: Should it?

The CHAIRMAN: Unless the employer knows, you cannot punish him.

A. Unless the employer would permit the employee to work, the employee could not work; and I think the employer is the sole cause when persons work 21 hours out of the 24.

Q. But do you mean to emphasize the fact that your testimony would seem to indicate that the sole punishment should fall on the employer in so severe a manner as you have indicated here? A. Because of the two, the employer is the more educated man and the more intelligent man, and he should know what is right and wrong more than the employee.

By Mr. ELKUS:

Q. He is the controlling factor? A. Yes.

By the CHAIRMAN:

You had better pass along from that, Mr. Van Allen.

Mr. ELKUS: You don't think the employee should be punished if he works more than the specified time?

Mr. VAN ALLEN: Yes; the family, the father and the mother, swear for instance that their daughter is 16 or 18 years old when she may be only 14 —

Mr. ELKUS: That is perjury.

Mr. VAN ALLEN: — without the knowledge at all of the employer.

Mr. ELKUS: Certainly, the employer should not be punished in that case. That is not the case.

Mr. VAN ALLEN: I am only asking the Doctor if his idea is that all the punishment should fall upon the employer.

The CHAIRMAN: I think we should stay right in our own camp here, in the things we are interested in. If you want to cross-examine the Doctor on other things, do it in some other place.

By Mr. VAN ALLEN:

Q. In connection with the core rooms, you take the position that women should not be permitted to work in rooms of foundries? A. In foundries generally, unless wrapping small pieces of iron.

Q. Do you think that the odors in foundries are any worse than they are in the garbage crematory works? A. I refuse to answer any questions about that.

Mr. VAN ALLEN: That is the question I ask.

Commissioner DRIER: The question has not come up about limiting the employment of women anywhere else but in foundries.

The CHAIRMAN: I hope you have not a list of questions to ask the Doctor because this is the only public opportunity you have.

Mr. VAN ALLEN: Absolutely not.

The CHAIRMAN: I mean on his activities in the city of Buffalo. You want to consider that the Commission is here simply on other matters.

Mr. VAN ALLEN: But perhaps it would be interesting for you to know that the Doctor has approved I understand of the garbage

crematory odors not being detrimental to health. If that is the case, that perhaps should modify somewhat the weight you give to the question of the odors in core rooms. That is all, Doctor, thank you.

Mr. ELKUS: Thank you — much obliged, Doctor.

WILLIAM F. JORDAN: (Supervising Factory Inspector of this District): I would like to ask Dr. Fronczak if the dressing rooms he speaks of which are not proper, water closets used by both sexes, were in fact used in mercantile establishments.

Dr. FRONCZAK: Mostly in factories.

Q. Would you object to submitting a list to me of the factories?

A. We have notified the authorities time and again of this thing.

Q. Since last February? A. Yes.

Q. I have received some communication from you. A. We certainly have notified, because every time anything is sent to us that relates to the Department of Labor, we always send a copy of the original to your Department.

Q. And you have always received acknowledgment of the investigation? A. We always did as far as I know.

Q. Would you mind submitting to me a list of any you have reference to? A. I suppose so.

Q. If you will, you will confer a favor on me as I would like to clear up the Commission. A. Yes, Mr. Jordan.

Mr. ELKUS: We now ask Mr. Van Allen to present his witnesses or if he desires to have some outside manufacturer called. Are there any manufacturers other than represented by Mr. Van Allen's committee who desire to be heard?

The CHAIRMAN: Come forward please. What is the name?

GEORGE A. FARRELL, of Batavia, New York, stated as follows:

Examined by Mr. ELKUS:

Q. What is your business? A. Manufacturer of harvesting machinery.

Q. Go right ahead? A. We are employing in Batavia about 150 men; have a foundry in which we employ about 670 men

and women; are employing 78 girls in the core room, and about 20 men in the core room. This bill concerns us somewhat, for any radical legislation that would necessitate a quick change in our modus operandi would be a hardship not only to our manufacturing institutions but on our employees as well. The conditions under which these girls are employed we consider good, and take exception to the statement made this morning that it would be an unfit place for women to be employed. We built these foundries only within a short time, this core room within a year, and have taken special pains to have the place sanitary and comfortable.

Q. Have you read the proposed bill? A. Yes.

Q. Well, the bill as it is proposed doesn't prohibit the employment of women in core rooms, you understand that? A. Yes.

Q. It only provides that core rooms shall be situated away from the oven room. A. Yes.

Q. Is there any objection to that? A. Yes, that is one thing that I would particularly call your attention to. They call for a partition between the ovens and the department where the cores are made. That would be very difficult to maintain.

Q. Why? A. Because constant communication between that department and the ovens is necessary in order to make the cores.

Q. But there may be openings in that partition? A. Yes. If the openings were in the partition then the partition would not be any good.

Q. But you could have openings with self-closing doors? A. Yes. Supposing other measures that were even more effective were in use already?

Q. For instance, what kind of measures? A. Supposing the ovens on the side in which the cores enter them are made free of gases? The making of cores doesn't create gases or nuisance; that comes from the drying of the cores.

Q. How much of an expense would it be in your foundry for instance to put in this partition between the room where the cores are made and the room where the ovens are? A. We could not do it. We would have to rebuild our core room entirely, because it would deprive the working department of the necessary space for making the cores.

Q. A partition doesn't take up much space? A. It would need to be a partition in which the trays could be handled.

Q. I suppose your room is like the rooms which the Commission has seen. They have not been in your foundry. But on one end of the room you have a space where the girls work making cores? A. Yes.

Q. And immediately adjacent to it, at the other end of the room, are the ovens? A. Yes.

Q. What is to prevent a partition wall being built between those two ends of the room? A. Well, not any.

Q. Then I don't see why you have to tear down the place. A. Except that would take from the room where we are working.

Q. It would take a space probably six inches wide? A. Then the openings would be just the same; we have a partition there now --

Q. Do the partitions go to the ceiling? A. Yes.

Q. What kind of openings are in them? A. Doors for admitting the cores.

Q. Don't you comply then with the law already? A. I think not.

Q. Well, you very nearly do? A. The cores are all removed upon the other side of the ovens, the dry cores.

Q. I understand then that the girls do not work in the same room where the ovens are situated? A. The one side of the ovens face the room where the girls work. The cores are taken out the other side of it, a distinct room.

Q. Where are the fumes? A. On the other side.

By the CHAIRMAN:

Q. Explain the core room? A. By removing the drying cores from the other side in a distinct room. I think it is a better arrangement than a simple partition.

Q. Do you dry in a separate and distinct room? A. Yes; our method is that we have a large wagon, open rollers upon which the trays are placed, and before the door is opened the draughts are opened, and the space cleared of smoke. Then on the working side the trays are pushed in the oven. The cores are then baked. After drying they are then taken out of the other side of the oven and distributed.

Q. How do you remove your gases and dust from the core room? A. We have natural ventilators.

Q. In the core oven? A. In the core oven we have new stock. On the other side there are fumes where the cores are drying. I admit that.

By Mr. ELKUS:

Q. Are the doors of the receiving room open at the same time as the doors of the delivery side of the oven; in other words, are the two ends open at the same time? A. Yes.

Q. And do any fumes ever come through? A. Scarce any. The room is quite as free from smoke as the room here to-day.

Q. You have practically complied with the law then? A. We think we have.

Q. In other words, your building, your foundry, shows the necessity of this law because you have provided for division; the only thing is that you have put in the partition, the entrance to your oven. Speaking for myself alone, if it could be so arranged that if the oven was only open at such times that no fumes came to where the girls work, I think you would have complied with the law. A. Substantially no fumes come to them.

Q. In most foundries where girls are, you know that fumes from the ovens are in the room all the time? A. Yes, sometimes.

A VOICE: I represent the F. N. Burt Company. I am curious to know the nature of the fumes.

The WITNESS: Smoke from drying cores.

By Mr. ELKUS:

Q. Core gas? A. It is largely vapor from the bond that is put in the cores.

By the CHAIRMAN:

Q. It is not a very healthy thing to inhale? A. No, it should not be inhaled.

By Mr. ELKUS:

Q. How many girls do you employ? A. 78.

Q. How long have you employed girls at all? A. I should say about five years.

Q. Are there any of them under sixteen? A. No, they average 20 years of age.

Q. Are they paid by the piece or the hour? A. Paid by the piece.

Q. How much do they earn? Q. They average I think \$8.17 a week.

Q. Men do the same kind of work in your foundry? A. We have 20 men making our large cores.

Q. Men make a great deal more money than the women? A. The experienced, yes. Some women who make cores, about ten of them, make about as much as the men.

Q. They don't make quite as much as the men? A. Not quite, I said. Don't do as heavy work. Where we transfer cores from one room to the other, we never change the pay. This room is built up, however, on the basis of women core-makers. The prices on our cores are established. When we change them from one room to the other, we never change the pay.

Q. When they go into the women's room first they don't get as much as men? A. I couldn't say that. If you distinguish between the boys and the men, then I could distinguish between the women and the men.

Q. The boys don't get as much as the men? A. No.

Q. And the women get as much as the boys? A. They get more than the boys.

Q. How much more? A. The core-making women get very much more, in the old practice. We have not employed boys for five years; we can't employ them any more.

Q. Boys under 14? A. No, under 16.

Mr. ELKUS: Thank you very much.

Mr. VAN ALLEN: Will you pardon just one question?

The CHAIRMAN: Surely.

Cross-examined by Mr. VAN ALLEN:

Q. Do I understand you to say that in your factory you have practically accomplished what the Commission is asking in the way of elimination of fumes, etc., without the partition? A. Yes.

By Mr. ELKUS:

Q. You have the partition? A. One side of the core oven.

Q. But your partition partitions off the place where fumes from the oven come? A. No.

Q. Then I misunderstood you altogether. A. Because you have to open directly into the oven.

Q. But you say you only have the receiving side of the oven open? A. Yes.

Q. And the fumes, very few of them come out that end? A. Yes.

Q. The place where the fumes come is what? A. The outgoing part.

Q. That is partitioned off? A. Yes.

By Commissioner PHILLIPS:

Q. You said you built this core room especially for women? A. Yes.

Q. In what respect does it differ from a core room to be used by men? A. No difference. We calculate to have our men's core room taken care of also. It is essential to have the men taken care of as well as the women.

Q. Is it concrete? A. Yes, the whole building is concrete. The ovens with the brick and iron front, form the partition.

Q. Have you been in other core rooms where women are employed? A. Not for many years. Been in the Erie Foundry Company a number of years ago.

Q. In what respect does your core room differ from the ordinary one? A. Considerably.

Q. How? A. We use these large wagons near the girl operators; that is because we are using girls, and they are not supposed to carry the tray very far; put it from the bench onto the car. Then the men or the janitor who cares for the room comes into the room and pushes the car to the oven. The women do not go to the oven.

By the Chairman:

Q. Do the women sit or stand? A. Both. Just as they choose.

Q. You don't do as some we hear of, who are reprimanded if they do that? A. No; I never heard of them doing that. I don't see how a reputable manufacturer could do that.

Q. How far from the oven are the core rooms? A. Twenty or thirty feet.

By Commissioner PHILLIPS:

Q. Do you have an exhaust system to carry off the smoke? A. Yes.

Q. Can you suggest any way in which your plant can be improved for use by women? A. The conditions are good. We are thinking of putting in a large fan to connect it with the flue, clearing out all the gases before the doors are opened for entry.

Q. To get your ovens clear of gas before you open the doors? A. To do it quickly, not to use them all the time. It would be unnecessary; but to open off that space that the car occupies, quickly, so that when the door opens the gases would not get in.

Q. That would practically eliminate all fumes from the girls' side? A. Yes.

By the CHAIRMAN:

Q. You ought to do that. A. We expect to do it. That partition I think if you look into that carefully —

By Mr. ELKUS:

Q. You have practically got the partition; the only point about yours is that you have one end of the oven? A. One side.

By the CHAIRMAN:

Q. What do you think we should do? A. A partition that would do any good would be in the way and a nuisance —

By Mr. ELKUS:

Q. But a partition such as you have would be all right, that cannot harm anybody. A. A partition such as we have, with a fan installed, I believe would be the best thing.

Commissioner PHILLIPS:

Q. Don't you feel that unless the core room is properly ventilated and the fumes carried off, that women should not be permitted to work there? A. Women or men either.

Commissioner DREIER:

Q. What advantage is it to employ women rather than boys for this work? A. We make small cores. You can't get men to make little cores like the end of that lead pencil.

By the CHAIRMAN:

Q. What advantage is it to employ women over boys, she asked you. A. Boys are men now when they are 18 years of age, and that is about the only time we can employ them, and about the only time we care to. We have very few boys under 18 years of age, and they don't care to make those cores, they want to go into the foundry and make larger work. The malleable work calls for small cores, and these girls become very apt at it. I believe it is more sanitary and more healthful and they will develop under it more than in most of the employments that women are employed in—sewing machine work, shoemaking, they will not develop as in this core making, where all the muscles of the body are exercised in this work.

By Mr ELKUS:

Q. What is the weight of the cores when finished? A. I think about one and a half pounds.

Q. When are you going to install this fan? A. We are taking steps to do it now.

Q. When will it be finished? A. I can safely say in a couple of months.

Q. As long as that? A. We are very busy now.

Q. If you would have it finished in a short time, I would send an inspector over to see how it worked. A. We will be very pleased to have you, either before or after.

Mr. ELKUS: Any other manufacturer desiring to be heard other than those represented by Mr. Van Allen? Any member of the Moulders' Union or Foundrymen's Union?

EDWARD PARKER, stated as follows:

I represent the core-makers union of Buffalo.

By Mr. ELKUS:

Q. How many men have you in your Union? A. 167.

Q. Go right ahead, Mr. Parker. A. I wish to state to the

chairman and this commission here that our members are opposed to this women's core maker bill going through the way it stands now, permitting them to work in a foundry. We claim it is not a proper place for women to be employed. If the foundries are inspected and made sanitary, it might possibly be fixed for some of them to work, but the way it is now there isn't any of them I don't believe that comply with the law, as to men alone, and leaving women out of it altogether. The way I look at it is, I believe that all of these women who are working in foundries now should be under a doctor's care, a whole lot of them. I know one person in particular has worked at the business for 16 years, a lady core maker —

MR. ELKES: Mr. Farrell, won't you come up here and listen to this gentleman?

A. (Continued.) I don't believe that this woman is physically or morally fit to work in a foundry.

Q. They can't hear you. A. I don't think this woman I am referring to — she is a forelady — I think she should be examined, and I don't think she is really fit to be in it. She is just dodging an undertaker, that is about the size of it, from the fumes and gases of the foundry.

Q. You heard what Mr. Farrell stated about his foundry and how he had built this wall in which there was only the opening into the core room where the girls were, and he proposed to put in a ventilating system so that it will blow out the gas before that is opened. If that is done, would a core room be a safe place for women to work in? A. It may be safe, but I don't believe it would be the place for them anyway.

Q. You think the bill should provide for the absolute prohibition of women working in foundries? A. Yes, I don't believe it is a proper place for them at all. The only reason I can see that women are employed in foundries in core making is because it is cheaper for the employer.

Q. You heard what Mr. Farrell said, that it was because of the small cores which the women work at, and that it was not any cheaper, and that the men did not care to do that work? A. Well, that is his side of it, his version of it. I don't want to contradict the gentleman, but I have made small cores sixteen years ago, and

I am making them now. I am not opposed to it; lots of men are doing it every day.

Q. Do you get more for it than the women? A. Yes.

Q. How much do you get? A. Three dollars a day here.

Q. Piece work? A. No piece work.

Q. And the women have to work piece work? A. The men work piece work here in some places, but there is a difference in the scale.

Q. How much is the difference? A. The difference in the scale working in the piece work shops here, they get about \$3.60 and the women make no more than \$9 a week.

Q. The men make \$3.60 a day and the women \$9 a week for the same work? A. Yes, about the same work. The prices are reduced when it is taken from the men and given to the women. The men could not make a day's pay if they got it back again. That is what I have seen.

Q. What would become of those girls who have been trained as coremakers, if the Legislature prohibited their employment? A. That would be easily taken up. All you would have to do would be to look at our Buffalo Evening News and see the Want Ad. column for girls in housework where they belong. I don't think they should be employed in factories. I think the men should be left to make living wages to support the girls and their families.

Then this dust problem in foundries. I work in a foundry where they shake out a casting two days after being passed. You could hook a crane on it and you could take out a shovel full of dust. One of the boys complained about it being cold and the foreman said, "We will shut the skylights and there will be no draft." Then there wasn't proper ventilation. The boys were discharged because they hollered about it.

Q. What foundry was that? A. The Frontier Iron Works. They claim to be up-to-date. They are not up-to-date. They asked that the doors be closed while they are casting, and they won't do that. I believe they should have heat, ventilation and light. I am working in a place myself where the windows are out, and they put a board up with a bag to keep the wind out.

Q. What foundry? A. That is the X. Foundry Company.

Q. Anything further you desire to say? A. No, that would be about all.

By the CHAIRMAN:

Q. Do you object to being asked a question? A. No, sir.

Cross-examination by Mr. VAN ALLEN:

Q. I would like to ask you this: Is not a very large part of the criticism of the moulders as to the employment of women due to the using of women as strike breakers? A. Not on my part.

Q. That is, I have generally understood that the great criticism of the Moulders' Union was directed toward the use of women as strike breakers in making these cores, more than anything else?

Mr. ELKUS: We cannot hear you.

Q. I am asking this gentleman whether it was not the fact that the greatest criticism which the Moulders' Union to-day is directing toward the employment of women in making cores is not from the evils of using the women in that trade as strike breakers? A. No, not in a material way. We know it is no place for them, and one well-known fact I know is that some women — I have worked with women nineteen years — that they could not boil water without burning it, and to become the wife of a man they should have a training at home and learn housework.

Q. You object to the employment of women in any foundry? A. Yes.

Q. As a general policy, you think that women should not be employed at anything? A. Not in a foundry. They should not be employed in any foundry. It is hard enough for men to work in a foundry, leaving alone women.

Q. Is the percentage of women employed here in foundries generally different from other parts of the State? A. It is different here from what it is in Chicago.

Q. The percentage is lower, is it not? A. Yes.

Mr. ELKUS: Mr. Farrell, do you want to ask Mr. Parker any questions?

Mr. FARRELL: No.

Commissioner PHILLIPS: Mr. Farrell, what is the nationality of the young women in your foundry?

Mr. FARRELL: I think about half American. If you wait a moment I think I have it here (referring to memorandum). Seventy-eight coremakers. Thirty-five are American, 27 Polish and 16 Italians.

Commissioner PHILLIPS: How long do they stay there as a rule?

Mr. FARRELL: Usually till they get married.

Commissioner PHILLIPS: Do many of them leave you after marriage?

Mr. FARRELL: Yes. A few of them continue after marriage.

Mr. ELKUS: Now, Mr. Van Allen, we will hear you. We would like all representatives of labor unions who are here to listen to this. If there are any questions to be asked they can either ask them directly or suggest them to me and I will ask them for them. You better come forward so that you can hear.

Mr. VAN ALLEN: If you will hear Mr. Alfred H. Burt first and in connection with that I should like to have the examination, in so far as my people have liberty to examine them, conducted by Mr. Henry W. Killeen.

Mr. HENRY W. KILLEEN: I represent the Buffalo Candy Manufacturers, and I would like to ask Mr. Burt some questions, and then turn him over to the others.

Mr. ELKUS: All right.

ALFRED H. BURT, sworn, testified as follows:

Examined by Mr. KILLEEN:

Q. You are a manufacturer engaged in the candy business here? A. I am.

Q. How many years in the business? A. Over 20 years.

Q. Did you work at the trade before you began? A. No, I had been engaged in the business on my own account for upwards of 20 years.

Q. You have given this matter of the regulation or prohibition of over time, so far as it applies to the candy manufacturing business, considerable thought and study? A. Yes.

Q. Have you appeared before the legislative committees with regard to the Fifty-four Hour Bill and other bills? A. Yes.

Q. And have given testimony before the Commissions? A. Yes.

Q. Would you state briefly and as succinctly as you can what the candy manufacturers contend for or would like to have in this bill with reference to over time for men and women employees working in that industry? A. I would like to preface my remarks by stating to this Commission that I not only represent the manufacturing confectioners of the city of Buffalo, but that I am also president of the Association of Manufacturing Confectioners and allied industries of the State of New York, and that the association that I represent has a capital invested of approximately \$25,000,000, with an annual output of about \$65,000,000. I mention that in order to show that it is not an infant industry or a small industry, but one of very great importance to the working people and the commercial interests of the State of New York.

Q. You do not happen to have the figures as to the number of persons engaged in the industry, do you? A. I do not.

Q. Well, we can get those from the census? A. I also represent the Chamber of Commerce here as one of their representatives on the Industrial Committee, and I had another bill that I was to say something on, but I will take up first the Hours of Labor Bill.

Q. You can take up the other bill with Mr. Van Allen. A. Yes. No. 15 —

Q. That bill prevents overtime absolutely? A. Yes, paragraph 77 says (reads same).

Q. The Confectioners are satisfied with that? A. That we agree to. That is the present law, and we have no objection to it.

Q. Go on. A. We believe that children under 16 years of age should not be permitted to work long hours or under severe strain or hardship.

Q. If you will pardon me for taking that bill up out of its order. I want to take up this overtime question and leave the question of

the employment of male minors between sixteen and eighteen years of age on one side for the time being. A. Yes.

Q. No. 2 is as to men and minors? A. Yes.

Q. First take up the overtime proposition. A. No. 3: No female minor under the age of 21 — it is not necessary for me to read it. It provides that no woman, regardless of age, shall work in any factory for more than nine hours in any one day or 54 hours in any one week.

By Mr. ELKUS:

Q. That is the present law? A. No.

Mr. KILLEEN: There is one exception in the present law.

Mr. ELKUS: The canners.

Mr. KILLEEN: Confectioners are not excepted?

Mr. ELKUS: No.

A. (Continued) We have at all times opposed the enactment of that provision into law for this reason: We are not opposed to the nine-hour per day clause for approximately eight or nine months of the year; but we have a period known as the holiday period or Santa Claus period, when it is absolutely necessary for the manufacturing confectioners in order to meet the requirements and demands of their trade, to work over time. As president of the State Association I had about a dozen manufacturers,—two or three in Buffalo, two in Rochester, and several in New York City — take their sales for a period of five years to determine each year the percentage of their business that was done during the first eight and the last four months of the year.

Q. What period did that five year period cover — up to the first of this year? A. Covered up to the first of January of this year; the last preceding five years.

Q. When did you get the figures? A. I think it was in January.

Q. Or February? A. January or February of this year.

Q. Proceed. A. And the figures showed that in some years as high as sixty per cent, and in other years with the same factory as low as 45 or 46 per cent of the total output was during the

last four months of the year. Taking the five years as an average with the same factory, it averaged 48 per cent. Taking all of the factories that gave me their reports as a whole, on the average, 47 per cent of the business done by the manufacturing confectioners was during the last four months of the year. That is reasonable for those who know anything about the sale of candy, to realize, because if you will —

Q. The largest demand comes at Christmas time? A. Certainly.

Q. What is the character of the candy made for Christmas, for the holiday trade with reference to its keeping qualities? A. I answer that in this way: that 99 out of a hundred when they go to the counter the first question they ask is "Is it fresh?" Naturally they want fresh candy. The average candies that are sold, and that of which we sell the greatest quantity, should not be more than six weeks old.

Q. When consumed? A. Yes. There are a great many lines of confectionery that can be made and kept for a longer period with safety; but the average holiday candy should not be, to exceed six weeks old when it is offered for sale. It would be a physical impossibility for the confectioners to turn out the immense quantity of candy that they are required to fill their holiday orders, without overtime work.

By Commissioner DREIER:

Q. What about getting extra help? A. The confectionery industry seems to be in the minds of a great many people a mistake in that they think it is not one of skill. On the contrary, the greatest part of the employees in a candy factory, are men and women, boys and girls, who work at the occupation for years, and continue at the work. It is impossible to pick up girls or boys or men or women to do the work that they are called upon to do without having had some experience, without having been broken in to do the work.

By Mr. KILLEEN:

Q. How long does an apprentice or helper serve before he or she becomes a candy-maker? A. There are no women candy

makers; women do the nimble fingered, lighter work so to speak, dipping chocolates and wrapping small pieces of candy, and packing them in boxes.

Q. It takes time to learn how to do even that and do it well?

A. A girl cannot learn to be a chocolate dipper — well, it takes months. The expert chocolate dipper is one who has worked at that business for two, three, four and five years. No girl can dip chocolates — I want to say that when we are breaking in girls to do that work, about 75 per cent. of their output for several weeks goes into scrap. It is unsalable; not fit for sale, because it is so poorly dipped, that if we would offer it for sale it would be rejected by our customers.

Q. So that it takes time and costs you money to duplicate the so-called dipper? A. Yes, sir. The expense of getting girls to dip chocolates is very great.

Q. You can't go into the street or labor market and gather in the helpers to keep pace with the holiday trade? A. I can say I have run ads and "T. F. s." — till filled — in the daily paper in the city of Buffalo advertising for help, and I have had my windows placarded with cards three feet square, "Girls wanted, Boys wanted, and helpers wanted," and I have advertised in other cities, Boston, New York, Rochester, to obtain candy makers and chocolate dippers and expert help and have been unable to obtain any.

Q. I take it from your statement to begin with there is no work laborious in its nature which is performed by the women in your factory or any factory you have charge of, heavy work?

A. The work of chocolate dipping is done entirely by girls sitting at a table.

By Commissioner DREIER:

Q. How large a percentage of your workers are chocolate dippers? A. Not large, of mine, because I am not largely engaged in the manufacture of hand-made chocolate goods; but with some candy factories the percentage would be very large because they make a specialty of chocolate work.

By Mr. ELKUS:

Q. You are speaking of your own conditions when you put these placards up? A. Yes, that would apply I believe to every

other candy factory in Buffalo, and I know in talking with manufacturing confectioners in Rochester and New York city they tell me the same story in reference to the scarcity of help to do the work they have to do. It would be an impossibility for a manufacturing confectioner to have the walls of his factory large enough and the machinery —

By Mr. KILLEEN :

Q. It would be a financial impossibility? A. Yes, to carry the factory, the machinery, the equipment and the pay-roll eight months to do four months' work.

Q. During the eight months of the year you are not busiest, do the candy factories generally work full time? A. No.

Q. How much time? A. During our dull period sometimes we have laid off whole weeks; and if we can get in three to four days a week we are doing very well.

Q. The manufacturers have run overtime in years past at the end of the year or just prior to the holiday season. How many hours a day or how many nights a week or how many hours a week did the factories run overtime during the past years? A. You say in years past; they are doing it this year. They have to do it.

Q. We will talk about the years past first. A. We don't want to convict ourselves. About three hours is the overtime.

Q. Since you have mentioned the subject, it is the truth, three hours is about the overtime? A. Yes.

Q. Three hours a day or a week? A. Three hours a day, approximately two to three nights a week.

Q. What is the approximate number of hours they have run overtime? A. From 40 to 60 the last three months of the year.

Q. The maximum overtime would be three hours a day for sixty days during the last three months of the year? A. Yes.

Q. In the last three months of the year? A. Yes, during the months of October, November and December.

By Mr. ELKUS :

Q. You don't want any extra time in Easter? A. No, because Easter time is a different character and class of goods.

By Mr. KILLEEN:

Q. It is a fact that in this last three months of the year you have to make something like 40 per cent. of your entire output?

A. Greater than that.

Q. And you cannot do it in the working time you have? A. It is physically impossible.

Q. Is there any complaint that you know of from the employees in candy factories in Buffalo against overtime work, the three hours' overtime? A. I also asked —

Q. Never mind about outside, just in Buffalo; do you know of any complaint? A. I was going to say that I have asked the manufacturers to have a poll taken of their factories by giving slips to the female help to be deposited in a box for them to answer yes or no whether they want overtime work. The result of that was approximately 85 per cent. of the female help employed in the candy factories of Buffalo voted yes for overtime. There are good reasons for it. In the first place we have very quiet periods, and the amount of work and the amount of overtime that is required is not very severe upon the women or any one in a candy factory, and the extra money that they can make comes in very well for Santa Claus and they want a little extra money to buy Christmas presents with.

By Commissioner DREIER:

Q. You don't think they would want a little extra time, the employees at Christmas to buy our presents? A. Certainly. I don't believe —

Mr. KILLEEN: If they did not have the money, the time would not do them much good, would it? They need the money first, and then the time.

By Mr. ELKUS:

Q. Is not the trouble that you don't employ your people full time during the year, and that is the reason they want to make or have to make the extra money by working over time? A. That is one of the reasons. Another is that they want extra pin money for Christmas they tell me.

Q. Do you export any candy? A. Our firm, no.

Q. Members of your Association do? A. Yes.

Q. Export it to Australia? A. Yes.

Q. And England, France and Germany? A. Yes.

Q. And you export the same kinds of candy you sell for the Christmas trade? A. No, it is a different character of goods.

Q. What different character? A. The class of goods that is largely exported from this country to England and Australia is what is known as gum drops.

Q. Only gum drops? A. No, other goods as well.

Q. Are there not some of the goods the same kind that you manufacture here for the Christmas trade? A. Some of the same kind, yes, because we manufacture gum drops for the Christmas trade.

Q. Those are exported months before they are sold? A. Not the character of goods we have the sale on in this country, no.

Q. Not the largest sale, but you have a very substantial sale of the same kind of goods? A. Well, it would be small. I would not say "substantial sale," no, sir.

Q. These goods that are manufactured are found perfectly fresh when exposed for sale months after they are exported? A. Well, I will answer that by saying that if you went into a candy store and bought them you would not eat them. I was called upon to fill an order—

Q. Wait. You have answered my question. One of the manufacturers stated to us that he was proud of the fact that his goods went to Australia and were just as fresh when they got there months after they had been exported as when they left. A. True.

Q. One of your association? A. Yes.

Q. Now do you dispute that statement? A. No, sir.

Q. What are the wages of the girls? A. I want to qualify my answer.

Q. All right, go ahead. A. I had a customer who wanted some goods, I think it was, for India, and they wanted to know if we made any goods that could be shipped into India. I said, yes. I selected for them an order which went to India, and they were goods that we sell very little of here, they are goods that will keep because they are hard, and when they are opened up by the people in India they would be very satisfactory to them because they will

be better than they are accustomed to getting over there, but they are not such goods as the trade here in this country would buy for the holidays.

Q. The girls who do work in your factories, they do mostly chocolate dipping? A. Oh, no.

Q. And packing of candies? A. And wrapping.

Q. That is what they do? A. Yes.

Q. That is two things? A. There are three different classes: chocolate dipping, wrapping and the packing. Three different lines.

Q. The wrapping of candies is taking the individual candy that has to be put in a package by itself — A. It is the individual piece that is wrapped.

Q. That you take a piece of oiled silk paper and wrap the candy up in and put it in a box? A. Yes.

Q. Do you mean to say that requires very great skilled labor? A. I do.

Q. Do you mean to say that a girl of 18 years of age cannot be taught to wrap that candy inside of a half an hour? A. I do, yes.

Q. All she does is to pick a piece of candy, put it on a square piece of paper, wrap it up and put it to one side? A. It is easier said than done.

Q. Is that not all she does? A. Yes.

Q. Another girl takes those pieces of candy and puts them together in a box? A. Yes.

Q. And these boxes are divided into compartments with paste-board? A. Yes.

Q. She puts one kind in each compartment? A. There are a variety of ways of packing.

Q. It takes a great deal of brain power to do that, does it not? A. (No answer).

Q. Do you want to answer that? A. I do want to answer it, that with the novice without proper inspection, on our shipping that box to the customer we would have it returned on account of the condition in which it was packed.

Q. I understand you have to have everything inspected? A. For a long time, too.

Q. Everything ought to be inspected every time? A. I mean

while that girl is being taught to do her work. A great deal of our work is done piece work, and we engage girls by the week for approximately — that is the wrapping, speaking now of the wrapping, we will engage a girl for a period of approximately two weeks so that she may get the knack, and then she would go on piece work.

Q. How much does she get a week? A. Starts in at four dollars.

Q. And she gets about six dollars when she gets through? A. From six to eight dollars.

Q. Eight dollars is the exception, is it not? A. It is not the rule.

Q. And a girl who does this wrapping gets about four dollars and gets up to six dollars also? A. Yes.

Q. If she is able. Then we come to the best part of the profession, and that is the candy or chocolate dipping? A. Yes.

Q. This girl takes a piece of marshmallow and puts it in her fingers, or an instrument you provide, and dips it in a bowl of melted chocolate, and then she takes it out and puts it on a tray, is that right? A. Not in the manner in which you suggest.

Q. It is done more artistically? A. Yours would go into scrap.

Q. I would never qualify for the high wages of a candy dipper, I admit that. They get \$5 a week, do they not? A. I don't believe that there is a chocolate dipper working in the State of New York that gets as low as \$5 a week.

Q. Along Christmas time the demand for that goes up? A. Chocolate dippers are always able to obtain good employment.

Q. I have described, crudely perhaps, because I am not able to describe it better, just what a chocolate dipper does? A. Yes, but the process of dipping that piece into a vat of chocolate and taking it out, that is not the process in the first place. The process is for a girl to take the chocolate from the receptacle, put it on a marble slab, then it has to be worked up in her fingers to a proper consistency, and when it has been worked up — the girl's touch, she becomes an expert, so that she can determine by the working of that chocolate in her fingers when it is proper to cut the center. Then the centers are taken and rolled up in that chocolate so that they are thoroughly covered, and then, one piece at a time, they

are dropped down; and if it is what we call the string dipping, she has to work it and make fancy strokes on the top of the piece; if it is the split dipping, she has to make that split you see in the top of the piece; if it is simply plain dipping, then she has to make the straight stroke. Now, it takes a long experience to do that kind of work, and if you don't believe me, try it.

Q. I did not do it as eloquently nor as ably as you did, but it is about the same thing I said. You say it takes a girl how long to do that sort of work, to learn how? A. A girl cannot become a proficient chocolate dipper I don't believe in six months.

Q. Then when she gets through, she gets how much when she is very expert? A. The chocolate dippers will make from six to twelve dollars a week.

Q. You want an exemption in the law permitting you to work 180 hours overtime —

Mr. KILLEEN: Three hours a day for not more than 60 days.

Q. That would be 12 hours a day? A. Yes.

Q. For two or three months? A. That should be distributed in three months because conditions are different in different sections.

Q. You say you begin your rush season three months before, so that means candies that are made in October are sold for Christmas at Christmas time? A. Not altogether. During the summer months there is little candy used; they resort then to soda water and ice cream, and when they are getting back home the stocks of candies have been depleted, the schools have opened and there is a rush demand for confectionery because the cooler weather is coming on, and from then on to the holidays we have a heavy demand for candy. So that we are busy oftentimes in September, but that is on account of the season.

Q. The only industry you ask exemption for is the candies? A. Yes, that is the only industry I represent.

Mr. ELKUS: Any questions?

By Mr. KILLEEN:

Q. Anything else you wish to say? A. Yes. I want to speak also on Section Number Two: "No male minor under the age of

18 years shall be employed or permitted to work in any factory in this State more than six days or 54 hours," etc.

Q. That is the law now? A. Yes. We want an exemption.

By Mr. ELKUS:

Q. What you want now is to have the present law changed?

A. Yes.

Q. You want the male minors under 18 years permitted to work more than 54 hours a week? A. Yes.

Q. The same exemption? A. Yes.

Q. For the same reasons? A. Oh, no. I want that generally.

Q. For every occupation? A. No, I am speaking for the confectionery industry, but to exempt them at all seasons of the year under the age of 18; that that should be 16 instead of 18, and I will tell you why. The average boy will leave school at the age of 15 to 16. If you will look at the statistics of the Educational Department of the State you will find that the higher the school grades the smaller the attendance. That is caused by the children dropping out of school. The average boy will go through the grammar school and finish about 16 years; then he must go to work; he becomes a helper in a candy factory and he must work with the master or with the expert who works ten hours a day. If he can't work with him there is no employment for him because you can't have the man who is the expert candy maker working ten hours—that is the hours of labor for men in candy factories, and the boy who is helping working only nine hours a day. There is a period of two years in that boy's life that makes him for the future either a good, law abiding citizen or —

Q. You think a boy under 18 ought to work from seven o'clock in the morning until six o'clock at night? A. No, sir.

Q. That is ten hours a day. A. That is not the hours of work in a candy factory, and I don't believe in most factories. They work we will say from seven till twelve and then half an hour for noon and then until half past five.

Q. From 7 till 5:30 with a half an hour for lunch? A. Yes.

Q. That necessitates a boy getting up from 5:30 to 6 o'clock in the morning so as to get to work at 7 o'clock. He does not get home until nearly 7 o'clock at night if he lives any appreciable

distance from the place where he works. Do you think a boy under 18 should be compelled to work those hours?

MR. KILLEEN: Counsel is assuming —

MR. KILLEEN: I would like to make a suggestion. Counsel is assuming a condition that exists in New York city and does not exist here, about how long it takes to get home. These folks get home in fifteen to twenty minutes.

THE CHAIRMAN: Mr. Elkus has in mind the length of hours of employment principally.

MR. KILLEEN: He says seven o'clock at night. He gets home before six, as a matter of fact.

THE WITNESS: The average boy —

Q. You can take off a half an hour either side, it does not make any difference. Do you think a boy of eighteen should work those hours? A. Can't I answer my way?

Q. Say yes or no, and give your reasons. A. I say yes. My reasons are that the average boy from sixteen to eighteen is a man to-day, and unless he can be employed, the street corner becomes his lodging place, and eventually the jail or the penitentiary, if he cannot work.

Q. You mean if he works nine hours a day? A. If he can't work.

Q. I am not assuming that the boy should not work. I am assuming he should work. The whole question is whether he should work between the hours you think he should be at work or not? A. Would a manufacturer —

Q. You are looking at it from the manufacturer's side? A. I am not. I want to say that the manufacturer cannot employ one at nine hours working with another at ten hours.

MR. ELKUS: That is not my question.

By the CHAIRMAN:

Q. What are the manufacturers going to do in the future, because that is restricted to all boys in all industries? A. If this restriction is retained in the law they will simply discontinue the employment of boys under the age of eighteen years. What is to become of the boy?

By Commissioner DREIER:

Q. Then perhaps the State will take care of the question of vocational training school for boys? A. That is all right, but they must be earning money.

By Mr. ELKUS:

Q. What are those boys from sixteen to eighteen making? A. No boy works to-day I don't believe in a candy factory in Buffalo for less than six dollars a week and from that up. It is a question of making a future good citizen of that boy, and two years may go to waste.

Q. Go to waste as far as the candy factories are concerned? A. I can't speak for other industries, they can speak for themselves.

By Commissioner DREIER:

Q. Will you please tell me do many of the girls who work in candy factories have to work in chilled rooms? A. That is a question that has been terribly exaggerated at every hearing that I have ever attended. The question of dipping chocolates that is the only class of candy that is made in what we call the cold room --- has to be done in a temperature of approximately 55 to 60 degrees, or else the chocolate in cooling will cool streaked and reddish, and it will look grayish. The chocolate as soon as it is dipped must at once set, and there is only one thing that will do that and that is cold air. We have girls who are anxious to get into the so-called cold room to work, and we have other girls who do not like to work there. It depends upon the nature of the girl, I suppose. I have never known anybody injured working in a cold room.

Q. Do only the chocolate dippers have to work in the cold room? A. Yes, and the chocolate packers, those who handle chocolate. That covers only the chocolate part of the confectionery business.

By Mr. ELKUS:

Q. You don't object to the provision which is really the amendment of this law, which enforces the Fifty-four Hour Law wherever it should be enforced, by providing a closing time? A. No. We are willing to work 54 hours a week. Last June I have

a witness of the Labor Commissioner and Factory Inspector to the effect that I had a printed notice in my factory that "the hours of labor in this factory are from 7.30 to 12 and half past 12 to 5. I put the Nine Hour Law in effect in June, and it did not take effect until the first of October. As a matter of fact, if you would make laws for us that we could not work over about four days a week the first eight months of the year, we would be satisfied and get along nicely.

Commissioner PHILLIPS: Supposing the law should allow an exemption there, also reduce the hours during the rest of the year to seven or eight hours a day for the rest of the year —

Mr. KILLEEN: So many hours a week.

By Commissioner PHILLIPS:

Q. Make it a short day so that they would rest during the year.

A. You are getting a little sarcastic.

Q. No, I don't mean that.

The CHAIRMAN: Mr. Phillips wants to know if we have say 57 hours during four or five weeks, are you willing to have 50 hours during some other period of the year?

Commissioner PHILLIPS: So that the young women will be employed during the year and not laid off for a series of months at a time.

The WITNESS: If we were only working 40 hours a week, we would have periods of lay-off just the same.

Q. If they received pay enough you would get employees? A. There are too many other places of employment which would take them.

Q. Would you be in favor of reducing the hours of labor during the year if you got an increase during these four months, thus keeping your employees together instead of employing some nine hours a day and not employing the others at all? A. As far as we are concerned I will say we could do our work on a forty-eight hour basis during the greater period of the year; but we would have to lay off just the same, because we would have days every week we could not work.

Q. I want to get an answer if you will give it to me. Would

you be in favor of reducing the hours of labor during the time you say you do not have positions continuously? A. Not knowing how that would affect other manufacturers — as far as I am personally concerned, yes; but I am not speaking for other confectioners, because the conditions surrounding them might be different.

By Mr. KILLEEN:

Q. One other question I would like to ask: Are the New York manufacturers in competition with a large active industry in Pennsylvania? A. With every state in the Union.

Q. Particularly Pennsylvania? A. Very largely.

Q. Is there a large active industry in Pennsylvania? A. Very large.

Q. And they have not any restrictive legislation there that you know of with regard to overtime? A. I don't understand that they have.

Q. Your employees, some of them work overtime, and all of the employees in the candy business in Buffalo are paid at the rate of time and a half for overtime? A. Yes.

The CHAIRMAN: Are you not mistaken about Pennsylvania?

Mr. KILLEEN: In regard to overtime.

Q. Massachusetts is a great candy manufacturing State? A. Yes, and they are very largely restricted.

Q. They are restricted the same as the present law? A. Yes.

Q. And they manage to compete with you? A. Yes.

Q. You are not able to comply with the law now? A. I would not want to tell you what manufacturers in Massachusetts tell me.

Q. I know they all say these things. A. I mean —

Q. Do you know that the Pennsylvania Legislature is now considering passing a fifty-four hour law? A. It is hard to keep track of such things.

Q. Do you know they are doing it? A. I don't.

By Commissioner DREIER:

Q. How large a percentage of your workers are candy dippers? A. As I said, the chocolate business with me is not a large item, it is a very small part of my business. I run to other lines.

By Mr. ELKUS:

Q. You have only got a very small business yourself? A. At the present time I am only making specialities, no chocolate work.

Q. You don't employ any dippers? A. None at all.

By Mr. KILLEEN:

Q. For ten years you represented the National Candy Company here? A. Yes.

Q. Well, give us some figures from your experience from that? A. I should say nearly half of the female employees in factories I have run in the past were in the chocolate branch, about one-half.

Commissioner DREIER:

Q. Would it be fair to say that half of the workers of the candy factories have to be skilled workers? A. Oh, yes. More than half.

Q. I thought it was considered an unskilled trade? A. I know that is the idea. There is a misconception as to the candy industry: just as Mr. Elkus presumed here in the dipping of chocolates.

By the CHAIRMAN:

Q. They do not pay very high salaries to skilled workers? A. If we did not pay salaries commensurate with their services and in keeping with other industries we could not keep the help.

Q. That is true, but on the question of the skilfulness of the labor.

By Mr. KILLEEN:

Q. It is mere nimbleness of fingers, involving no particular brain power. It requires practice and training, and it takes time to perfect your organization and when you have got it you want to keep it, and you cannot drag in from the highways and byways people to increase the organization when you have rush orders for three months of the year. A. I presume you all know of the memorandum the Governor signed when he filed the bills?

The CHAIRMAN: Yes, we have all that. Mr. Talley appeared for the same association as counsel.

By Mr. VAN ALLEN:

Q. Outside of your candy industry, was there anything you wanted to suggest about these bills; have you covered everything that you wanted to cover outside of the candy proposition? A. I should presume that the question of the employment of boys under the age of 18 would, for the same reason I have stated affect other industries very seriously, or affect rather the boys vitally as —

Q. You have covered that before. Is there anything else?

The CHAIRMAN: You are the first manufacturer who has found fault with that provision of the law who has come before us.

The WITNESS: Then, it is because they have lost track of it and are not employing boys under 18 on full time. But I think you can see the justice of the position I have taken, that those boys cannot become tradesmen in the way of making a living at that trade unless they can learn it, and they have to start in under the age of eighteen.

Commissioner PHILLIPS:

Q. Is not nine hours a day long enough for the men to work?

A. If I had to live on a nine hour basis I would starve to death.

By Commissioner DREIER:

Q. Mr. Burt, in this chilling room process do women have to go from one part of the building to another where it is hot? A. No, they stay in that one place.

By the CHAIRMAN:

Q. Is there anything else? I don't want to bring you back again this afternoon? A. As representing the Industrial Commission of the chamber of commerce, I had another bill here, No. 5, that was referred to me. I will say that I do not want to consider myself an expert on it, but its provisions, it seems to me would be rather severe to inflict upon owners of buildings and manufacturers, and perhaps very hard to carry out. I will refer to No. 1: "No more than fourteen persons shall be employed or permitted to be employed on any one floor for every 18 inches in

weight of stairway provided for such floor. For every additional 16 inches over ten feet in height for any floor, one additional person may be employed thereon."

Under those provisions, with a stairway five feet in width, you could only employ 49 persons on that floor. You take a factory 6 stories in height and the sixth floor with 49 people employed and a stairway in width, and each successive floor on the same basis, you would get the congestion you try to avoid in stampeding to get out if everything was chaotic; or else you would have to provide that every stairway below the sixth floor must increase in width sufficient to accommodate those coming from the floors above. So that when you get to the bottom stairway you would have one about as wide as the factory.

MR. ELKUS: I don't think you have read the bill.

THE WITNESS: I have read the rest of it, yes. Well, I may not understand it.

THE CHAIRMAN: Do you expect to take up other propositions with any other witnesses, Mr. Van Allen? No. 5?

MR. VAN ALLEN: Yes.

THE WITNESS: That may not be the purport of it, but that is what it would amount to.

THE CHAIRMAN: We will take that up this afternoon. I don't think you have read the bill.

THE WITNESS: Anything else you want?

MR. VAN ALLEN: No, I think not.

THE CHAIRMAN: Recess until 2.05 o'clock.

AFTERNOON SESSION.

BUFFALO, *December 9, 1912.*

MR. ELKUS: Mr. Frederic Almy, Secretary Charity Organization Society. We will be very glad to hear you, Mr. Almy.

MR. ALMY: Just in general?

MR. ELKUS: Yes, in general, on these bills. Then I would like to get your views on the cannery situation, what recommendation or suggestion you have to make about that.

MR. ALMY: I would like to speak of the importance to the Charity Organization Society, of health and safety conditions for labor. I think one-third or perhaps one-half of our work would disappear if labor conditions were all they might be; I mean if employers took as good care of their men as they do of their machinery. Of course, the men cannot control the labor conditions, and the employers do not have to, and it falls upon the state, and it seems to me that if the state wants good citizens it will have to look to industrial conditions. Last year we had seventy-two families that came to us on account of industrial accident. We have not analyzed to find out how much of it was due to unsafe machinery, but we get a good many letters that will repay analyzing if anyone can be detailed for that work. We had last year 1027 families come to us on account of sickness, and we spent over \$18,000 in relief for families for sickness, out of a total of \$26,000. Three-fourths of our relief is for sickness, and very little goes to unemployment. Unemployment does not bother us at all, it is almost negligible, because we take the man who is not at work, but who is, I was going to say, worked out, who has worked too long in unhealthy conditions.

MR. ELKUS: Have you any facts with reference to the character of the work these people do who are working out?

MR. ALMY: No, but we had last year 683 widows. Mrs. Foster, who testified when you were last here,— I was out of the city,— has been analyzing those 700 widow families. She does not get the time, and has not finished it. But it would repay a special

worker put on our records to analyze them; but I think, while that sickness is partly due to excess, the larger part of that sickness is due to the housing and working conditions and only a comparatively small part of it to excesses, like drinking and sexual excesses. The chief part of our work is due to sickness and accidents, and so on, that brings widows and cripples, outworked men, and I do hope especially that in bill No. 6 you will require as many as 125 inspectors, because the law, without inspectors, we do not find worth anything at all. There used to be factory inspectors in Buffalo —

Mr. ELKUS: I see by the Buffalo papers, Mr. Almy, that Mr. Van Allen criticized some features of the proposed bill. He said that the provision of the bill requiring not less than 125 factory inspectors looked very much like attempting to create jobs.

Mr. ALMY: I know. I should think the State would need 125. Of course, there would be civil service examinations. We know what the tenement law used to be with three inspectors. Now we have nine.

Mr. ELKUS: We have 80 odd now, and they only inspect factories once a year. How many time a year do you think the factories ought to be inspected?

Mr. ALMY: Out of my line. I don't know. Twice a year.

Mr. ELKUS: All the experts whom we have had before us think they ought to be inspected at least every two months, and some of them, once a month, and the Commissioner of Labor estimates that 125 inspectors would be insufficient to do that.

Mr. VAN ALLEN: If you will permit me, Mr. Elkus, I would like to say this: That it is true I criticized the bill as to the character of legislation naming the number of inspectors in the bill itself, but if the complete article is read and the completed remarks are noted, it will be found that the statement I made was that subject to civil service rules and the appropriation for the Commissioner of Labor, he should be permitted to appoint as many inspectors as were necessary to properly carry out his work.

The CHAIRMAN: You appreciate, Mr. Van Allen, I think, that that would mean more than 125.

Mr. VAN ALLEN: It might be more than 125, and probably would, but the character of the legislation in specifically naming the number is the portion that I was condemning.

Mr. ELKUS: Of course, your remark about civil service rules is beside the mark, because they must all be appointed under the civil service rules. That is covered entirely.

Mr. VAN ALLEN: That is part of this legislation, also. This legislation provides that.

Mr. ELKUS: Yes. Then you criticize the legislation for something that is not in there. There is nothing contrary to civil service rules in there.

Now, you know perfectly well that to provide in the bill that the head of a department may employ as many people as he can get an appropriation for is the very worst kind of legislation it is possible to enact. You are going to be heard at length, but let us get through with Mr. Almy.

Mr. VAN ALLEN: I only wanted to explain my statement.

Mr. ELKUS: You can explain afterward. I am simply asking Mr. Almy whether he agrees with your criticisms.

The CHAIRMAN: Mr. Almy may want to get away and we had better finish with him. Proceed, Mr. Almy.

Mr. ALMY: I don't know that I have more to say. I want to make it plain that our society does not help able-bodied men to any extent at all, but we do get thousands of families where health has failed on account of bad housing, bad industrial conditions, or widows come to us for that reason.

Mr. ELKUS: Do you know anything about the cannery situation at all?

Mr. ALMY: Yes. I know practically all of the Polish and Italian families go out canning. The children lose a month or so at school in the spring and fall, and I have seen Buffalo statistics showing that they fall behind in their classes, that they seem dulled by the work. It is not the fault of the employer, it seems

to me, so much as of the parents. They will have the children work.

Mr. ELKUS: The employer does not have to have them.

Mr. ALMY: I think the law has to come in.

Mr. ELKUS: You think it is necessary to have a statute passed prohibiting it?

Mr. ALMY: I do.

Mr. ELKUS: You are in favor of prohibiting it?

Mr. ALMY: Entirely, yes, sir.

Mr. ELKUS: Is there anything further, Mr. Almy, you would like to tell us?

Mr. ALMY: No, I think not.

Mr. VAN ALLEN: Mr. Almy, from the result of your observation, as the secretary of the Charity Organization, would you think that legislation would be helpful along the line of providing some penalty for parents, or the employees, themselves, in case of working overtime? In other words, should the punishment fall entirely on the employer, or should some of it fall on the employee as well?

Mr. ALMY: I don't think my experience qualifies me to answer that. I don't want to side-step, but I don't know.

Mr. VAN ALLEN: Of course, some of the conditions which you mention with reference to having to take care of widows and children, etc., are due to housing conditions, and no situation in factory or mercantile establishments at all, as I take it.

Mr. ALMY: Certainly, oh, yes. We are as much interested in tenements as we are in the other.

Mr. VAN ALLEN: Isn't it also true in the City of Buffalo that manufacturing and mercantile establishments contribute very largely to the funds of your organization?

Mr. ELKUS: We have nothing to do with that.

Mr. ALMY: Yes.

MR. ELKUS: Mr. Van Allen, if you want to have the courtesy of asking questions you must get down to facts. We cannot permit you to exploit one society over another. We will have everybody coming in here. I am going to warn you, if you are going to ask questions of that kind. We have extended this privilege to a great many people, to ask questions, and it has not been abused yet.

MR. VAN ALLEN: I will try to keep within the warning of counsel.

MR. ELKUS: When you ask questions like that, I am sure that is not a proper question. We do not want to get tangled up with charity organizations, as to who contributes to them.

MR. VAN ALLEN: I want to assure the Commission, however, that the manufacturers of Buffalo are contributing to these things.

MR. ELKUS: Undoubtedly. We find that it pays a manufacturer to contribute a small sum to a charity, which he triples and quadruples by not paying sufficient wages to his employees. Now, if you want it, you have got it.

MR. VAN ALLEN: Thank you.

MR. ELKUS: Thank you, very much. Now you can go on. What witness did you want to call?

MR. VAN ALLEN: I would like to call Mr. Henry D. Miles, President of the Buffalo Foundry & Machine Co., a very large plant which employs in the neighborhood of 350 men. Mr. Miles represents a type of industry, particularly the foundry business.

THE CHAIRMAN: Do you want to swear the witness?

MR. ELKUS: Yes, I think you better swear him.

HENRY DIXON MILES, sworn:

MR. VAN ALLEN: Mr. Miles, in your own way, will you just state the criticisms or suggestions you have with reference to the bills that are suggested by this Commission?

MR. MILES: I want to state in the start off that the plant that I represent, while I am in a way representing the foundries

here, is a large plant. The entire walls are practically made of glass, and we have toilet room, shower baths and heaters in those rooms, and locker room; and, by the way, I want to say that our shower baths are practically never used, although they are being required to be put in by a good many states.

Mr. ELKUS: Do you mind my interrupting you to ask a question?

Mr. MILES: Certainly not.

Mr. ELKUS: Where is your plant located? .

Mr. MILES: It is out on East Ferry street.

Mr. ELKUS: In the city of Buffalo?

Mr. MILES: Yes, sir.

Mr. ELKUS: How many men do you employ?

Mr. MILES: About 300.

Mr. ELKUS: You say your showers are not used at all?

Mr. MILES: Practically not, no.

Mr. ELKUS: Do you have lockers for the men, in which they can keep their clothes?

Mr. MILES: Yes, sir.

Mr. ELKUS: Do they use those?

Mr. MILES: Yes.

Mr. ELKUS: Do you give them any time to take the showers?

Mr. MILES: All the time they want.

Mr. ELKUS: Well, their own time?

Mr. MILES: On their own time, certainly.

Mr. ELKUS: You know that in Schenectady, where they have showers, they stop work at a quarter of twelve, and all the men take the showers, and they have not got enough showers to supply them?

Mr. MILES: You mean, take the showers at lunch?

Mr. ELKUS: Yes, before their luncheon.

Mr. MILES: No, I didn't know of that.

Mr. ELKUS: Do you know that by reason of doing that they have decreased the cases of lead poisoning from thirty in one year to none?

Mr. MILES: In what industry?

Mr. ELKUS: That is in the General Electric Company's works.

Mr. MILES: What produces that lead poisoning?

Mr. ELKUS: Because their hands are not clean when they eat their luncheon.

Mr. MILES: What work are they doing?

Mr. ELKUS: Oh, whatever work they are doing there. I am simply giving that as an illustration. Are your shower rooms clean?

Mr. MILES: Oh, yes, keep a man there all the time.

Mr. ELKUS: The men never use them?

Mr. MILES: I say rarely. Sometimes some of them use it in the summer, but there is heat in it in the winter and hot and cold water all the time. I am not decrying it —

Mr. ELKUS: I understand. There is no use in having these things if they are not used, of course; they ought not to be required.

Mr. MILES: We run nine hours a day and the men have a half-hour's nooning. They, of course, might take it on our time, more.

Commissioner PHILLIPS: Are they supposed to use it during the half-hour?

Mr. MILES: Supposed to use it at night.

Commissioner PHILLIPS: The Pullman Company have their men stop ten minutes before the closing hour and devote that ten minutes to washing and cleansing themselves.

Mr. MILES: We shut down at twenty minutes past five at night. I speak of it simply as something that would indicate that they do not appreciate it. However, we spent money to put it in.

The questions that I wished to speak of particularly were those under this proposed bill No. 17, article 3, under page 3. It says there that:

"3. Smoke, steam and gases generated in foundries shall be promptly and effectively removed therefrom, and whenever it is necessary, exhaust fans of sufficient capacity and power, properly equipped with ducts and hoods, shall be provided and operated to remove such smoke, steam and gases. The milling and cleaning of castings and milling of cupola cinders shall be done in rooms not otherwise used during the progress of such milling or cleaning and provision shall be made for confining and collecting the dust arising during the process."

Now, in regard to the smoke, steam and gas arising, and using fans and ducts and hoods, everything in our plants, for instance, where we have a main bay forty feet high, sixty-four feet wide, three hundred and twenty feet long, the traveling cranes move over this bay, some side bays, and how we would arrange any ducts with hoods to readily remove those gases and other vaporous substances, I do not see. We have in the plant ventilators, and, of course, those gaseous substances rise, but they are continually being generated by the fact that we dry the moulds for such work, and that gas must rise. You put in fans and ducts to create a heavy draft.

Mr. ELKUS: I think the last paragraph of that section 3 is new, the milling and cleaning of castings and milling of cupola cinders. That is new. The other part was in the old bill.

Mr. MILES: Well, do you object to my speaking on that part of it?

Mr. ELKUS: Not a bit. Speak on anything you like.

Mr. MILES: If you put in fans to create a heavy draft to get out these gases rapidly, as I assume the bill means, you would have to admit a good deal of outside air to do it, and in doing that you would chill your foundries, which would be one clause

here offsetting another, in regard to proper heating. In regard to the last part of that clause, cleaning castings and milling centers, etc., that it should be in a separate room — the condition of your shop and the class of work governs that a good deal. Take heavy work for large castings, which would be handled by cranes, I consider it impracticable to clean the castings outside of the shop they are made in, in many cases. Those castings weigh anywhere from a ton up to one hundred tons. You create considerable dust in removing the cores out of a large casting.

MR. ELKUS: Could that be done at night when the room was not used?

MR. MILES: I don't see how it could, very well. In fact, you don't want to work any more men nights than you can help. You do, in large plants, work the men nights, getting out castings as much as possible and getting the work ready for the next day, but the men work to much better advantage in daylight, and, cleaning out cores out of openings, etc., you want all the light possible. It would seem a hardship and would be very expensive to attempt to clean those castings in separate buildings, and to effectually remove the dust so that none of it, the men would come in contact with; it is impossible to do that. The way those large castings are cleaned, you take an air hose and blow into the openings to force the stuff out. Your dust blows out and finally settles down, it doesn't go up much, because of its weight, goes up some. And, so far as steam is concerned, that is occurring more or less all the time, but it is not serious, and there is nothing in the steam created in a foundry that is unhealthy, that I see. There is nothing to cause a moisture that will affect the clothes of the men, and the moulds and cores are made of sand, molasses, flour and sometimes oils, linsced oil. Practically the only thing that escapes from those cores and moulds, outside of dust, is water, steam. I don't see that any one would be injured. In fact, records that I have been able to gather do not indicate that foundry work is unhealthy. Where sand blasting is used, special provision is made for taking care of the dust. I think you will find that that is usually true. But in this clause it covers all sorts of castings, and in making large castings I don't

see how arrangements could be made to prevent dust arising and coming in contact with the men to a certain extent. In fact, I would be glad to have the Commission look over our plant and see what they think of the bill as applied to a plant of that sort.

MR. VAN ALLEN: Mr. Miles, is that all that you want to call to the attention of the Commission?

MR. MILES: While we do not employ woman core-makers — we make heavy cores — I have heard more or less discussion of the matter here. I refer to that, Mr. Chairman, because of the fact that the bill doesn't prohibit the employment of women, while a good many talk as though it did. My belief is that women working in corerooms under the conditions of a great many factories are in better healthful condition, working under better conditions, than they are where they are doing washing and scrubbing offices, etc.

MR. VAN ALLEN: Subject to proper sanitary and other regulations, you think there is no objection?

MR. MILES: I say there is nothing in the core that is unhealthy. Now, so far as ovens are concerned, in our case the ovens are provided with stacks, and the stacks are high enough to create a draft, and your steam and gases, etc., are carried off through the stacks, and the ovens are closed so that steam doesn't escape into the room to any extent, while the drying is progressing. When you open the ovens and take out the cores, they steam some. In a good many cases the cores must be pasted together after they are dried. You take those cores back to the women to be pasted together. If there is any injurious effect you get the steam from them then.

MR. ELKUS: Is that coreroom partitioned off from the room in which the furnaces are? .

MR. MILES: No, it is not, and I do not think it would be practicable.

MR. ELKUS: Partitioned off, the way Mr. Farrell described is —

Mr. MILES: Well, I judge it is practicable in some places, if that is necessary. Our core ovens are in the foundry, all of them, but they are all provided with high stacks and the doors are closed when the cores are being dried. We put in cores as high as fifteen feet in diameter and six to eight feet high, and you have got to have those ladles up where you can put them on the cars and pull them into the ovens, and it would not be desirable to put those ovens except where you can get the fall.

Mr. ELKUS: Simply the receiving door opens into the corerom and there is a solid wall built around that door?

Mr. MILES: Well, the doors open into the corerom.

Mr. ELKUS: Yes, only the receiving doors, though.

Mr. MILES: Well, I guess that is true of most foundries, isn't it?

Mr. VAN ALLEN: Well, many other details would enter into providing proper sanitary conditions, in a corerom, in addition to a partition. That would be a small part of it, in your judgment.

Mr. MILES: Yes.

Mr. VAN ALLEN: The stacks would have a great deal to do with it, and many other details, in addition to any partition, perhaps?

Mr. MILES: Yes. The point I want to make is that some smoke, steam and dirt will be created in any foundry because of the nature of the work. You cannot avoid it.

Mr. ELKUS: Is there any member of the Moulders' Union here that would like to ask this gentleman any questions?

JOHN C. MCINTYRE, representing the Central Labor Union, of Lancaster, N. Y.: This gentleman was saying that there would be no odors coming from the core oven, that the drafts are so situated; I would like to ask the gentleman how his ovens are situated so there are no odors coming from them into the corerom?

Mr. MILES: The ovens in our plant are in a plant off to one side, at the right of the large stacks. The doors are closed, and there is a draft comes through from the furnaces and goes up out of the stack.

Mr. McINTYRE: What heat do you have in the corerooms outside of the ovens? In the coreroom you have no heat besides those ovens?

Mr. MILES: Yes, we have some salamanders.

Mr. McINTYRE: Well, usually the ovens heat the core room?

Mr. MILES: Well, usually, a good deal of heat, yes.

Mr. McINTYRE: When you open those doors, take those cores out,—I happen to be working in a shop where the ovens are situated as you say—but when you open those doors to take those cores out, if the heat from the ovens evaporates through that shop, the gases from the doors, after they are opened, will evaporate through the shop just the same.

Mr. MILES: Well, sure, when you open a door a certain amount of heat will escape, but my point is there is no deadly, injurious gas in it, only the little that might come from the coke. The rest is not injurious gas at all.

Mr. McINTYRE: You can go in the morning,—you might invite this Commission down there—I know of a shop in the same way—you could invite this Commission down there in the morning, go in there, and everything looks fine, but the minute those ovens are opened, the doors opened, and those cores taken out, that shop is so full of smoke that some of the men have to go outside to get breath; but there are times that they would look like a model core room.

Mr. MILES: I was not particularly referring to the time. I would be very glad to have them stay all day.

Mr. McINTYRE: Might have an inspector down there—the trouble with the factory inspectors is that they are usually on the job when there is nothing doing.

Mr. ELKUS: This Commission has been in several core rooms and has noted gas and fumes.

Mr. McINTYRE: If they would go in the right time—

Mr. ELKUS: We noticed gas and fumes from the chemical. They were not the coke, it was the chemical. We noticed it. Not in Buffalo.

Mr. McINTYRE: In order to understand the core room question you have got to understand the compound of a core and what it is made of and what gases originate from these compounds, and we find that they are very injurious. We find other things in a core room which are injurious when the men are there all day long, working on a bench,—where flour is allowed to stand all night and different conditions in a foundry which could be taken up and thus easily could overcome them in a way.

Another thing, brother. Is your core room situated in the same building with the foundry?

Mr. MILES: Oh, yes.

Mr. McINTYRE: And it is just as high as the foundry?

Mr. MILES: Part of it is. Well, no; the main part is high, but the side bay is all one thing.

Mr. McINTYRE: We have noticed that in foundries where they build a core room, they often build it off the side of the foundry;—the ventilation, to a man coming around in the foundry, looks all right, but the core room is very often built off the foundry, and while the ventilation would look good in the core room, in a low building on the side of a high building, the air coming over the high building drives it all down into the core room. We have found that in different cases, in building they do not take these things into consideration. While the foundry is good, the core room is intact, and is built lower than the foundry, and while the drafts may be there and look good, they are not good.

Mr. ELKUS: Do you use salamanders in your foundry?

Mr. MILES: Yes. I would like to explain that.

Mr. ELKUS: Well, the salamanders, I think the Commission all know what they are.

Mr. MILES: No, but I want to explain why we use them.

Mr. McINTYRE: That is a question I wanted to ask in regard to the core room.

Mr. MILES: Our core room, I think, is very healthy. My point was that what gases do escape, of course, go up, and that they are not injurious, unless you get a large amount of coke from the core ovens escaping into the room, which doesn't occur during the drying of the cores. When you open it a short time there is an escape of gas and fumes, but that doesn't last long.

Mr. McINTYRE: My experience with the core room, it is not so much from the coke, it is from the fumes of the cores and the compound that is used in the cores. There seems to be a heavy smoke that don't rise. The gas from the coke will rise, but this don't seem to rise.

Mr. ELKUS: What is the effect from it?

Mr. McINTYRE: If you ever noticed, going into a core room, or standing off from it any distance, you will see a blue heavy smoke that seems to lay there.

Mr. ELKUS: We saw that ourselves.

Mr. McINTYRE: It is a blue heavy smoke that lays there. It is the compound in the cores.

Mr. MILES: What are they made of?

Mr. McINTYRE: What is in that compound, I don't know.

Mr. MILES: I will tell you what is in the usual core compound, usually all pitch. Well, pitch fumes, I shouldn't think, were unhealthy.

Mr. McINTYRE: Lots of places, they use glucose.

Mr. ELKUS: They use some molasses.

Mr. MILES: Well, they use some molasses. Of course, you can't call that unhealthy. He spoke of the core compound. That

is all practically pitch. There is a little gluten in some, and some not any.

Mr. ELKUS: Mr. McIntyre, what is the effect on the workmen of these fumes.

Mr. MCINTYRE: The fact is that you feel it in your lungs when you breathe; you just feel you want a chance to go out and get a good whiff of fresh air and come back and go to work again?

Mr. ELKUS: Does it ever make you sick at your stomach?

Mr. MCINTYRE: Why, sometimes, yes. Fellows that are delicate. I have seen fellows go out and vomit when a core is pulled out of the oven, and while this thing was at the best. Most of the fellows will feel like going out to the door and taking a good long breath of fresh air and come back and go to work.

Mr. VAN ALLEN: Mr. McIntyre, is there a way to get rid of all those gases?

Mr. MCINTYRE: As I say, if your core rooms were built right, and you have got inspectors to look after the core rooms while they are building and get them high enough. They usually build a foundry very high, the modern foundry, but the core room, they don't seem to consider that the same.

Mr. VAN ALLEN: Is it as much the construction of the factory as it is these details you have mentioned?

Mr. MCINTYRE: Mostly the construction of the factory.

Mr. MILES: You asked about salamanders. I will say we spent a good many dollars putting in a hot air system in our foundry. We tunnelled it, and had water troubles with it, and drainage, a great deal of expense that way, and we found that in the winter time it did not properly heat, on account of the large bays that you couldn't get connections to, and that the men all wanted salamanders. We put in salamanders throughout.

Mr. ELKUS: Salamanders are about the cheapest method of heating.

Mr. MILES: It is not for that reason. It is because they are portable, we can put them wherever we wish.

Mr. ELKUS: That is a fact?

Mr. MILES: They are not much cheaper than stoves.

Commissioner PHILLIPS: Why not put in stoves instead of salamanders?

Mr. MILES: Simply because we have to shove them from one place to another. Our work is all over the shop, in large pits, etc., on all the bays, and in order to have the heat where these men need it we take the salamanders where the men are working.

Mr. ELKUS: Mr. Parker wants to ask Mr. Miles a question.

Mr. PARKER: Would it matter very much to you whether you put in a partition across one end of your foundry? I know what it is you refer to, where you put a partition across the main end where the cleaning is done. The dust doesn't arise so much when you put out those castings — I know what those castings are, I worked there years ago, it is after they once take them out and take them down to the other end of the foundry. If there was a partition put across that foundry most of the dust wouldn't arise and affect the men all the day it takes to clean them, and may be 3 days, putting that hose in there with air pressure, driving it through the whole shop.

Mr. MILES: We find, in the first place, our dust does not come clear through the shop where they are cleaning, and, in the next place, I think, to make a satisfactory arrangement so that you could get your castings to these places, it would be quite a job, yes, rather an impracticable proposition.

Mr. PARKER: Most of your castings are cleaned in the lower end of your shop?

Mr. MILES: Yes.

Mr. PARKER: There is some dust arising when you pull the castings out, but most of the dust is made when you get down to the end of the shop to clean them, putting in the air hose, driving the dust through.

Mr. MILES: That dust, as a rule, stays down at that end, and, as I say, settles. The dust blows off and settles down.

Mr. PARKER: Just according to which way the draft and wind are blowing.

Mr. MILES: Temporarily, sometimes, when we are getting a large core out there is a great deal of dust for a few minutes at that end.

Mr. ELKUS: Mr. Miles, one foundryman said when he took castings down at one end in that way and blew the sand and fillings out, he had lowered a sail cloth curtain between that end of the room and the balance of the foundry, and that had prevented a great deal of the sand and dust which Mr. Parker referred to from going all over the foundry. Isn't that practicable?

Mr. MILES: Well, of course, it sounds fairly reasonable but the trouble is, when you get into those things they do not work well. The cranes are going through all the time and those curtains are in the way. If you didn't have the crane that might work.

Mr. ELKUS: The curtain is simply pulled back and forth as required. It is not there permanently. He found it worked very well.

Mr. MILES: Well, we are cleaning all day long.

Mr. ELKUS: Well, he put that there, and the cranes go right through it. He had a travelling crane. It went right through it.

Mr. MILES: Well, another trouble with that is, of course, the draft. Probably the wind will blow it some.

Mr. ELKUS: Oh, yes, it did not keep it all out, did not keep all the dirt and sand out, but kept about 80 or 90 per cent. of it.

W. F. SEAMAN, Foundryman: Mr. Miles, in regard to cleaning castings in a part of the foundry as against cleaning castings in a separate room, the foundry has a high roof, and usually the cleaning room is very much lower than the main foundry, isn't it?

Mr. MILES: Well, that depends on the plant. In our case it is not the same height.

MR. SEAMAN: If you clean it in a part of your foundry, but I say if you had a separate cleaning room, where you cleaned your castings, if that were small, for instance, it would not have the same height, would it?

MR. MILES: Not usually, no.

MR. SEAMAN: Now, consequently — there is a large number of men at work cleaning castings, isn't there? Those men have worked in cleaning castings in the part of a high foundry naturally will work under better conditions than they would work in a smaller, lower building, which means that they have to breathe a whole lot heavier air than the men that are out in the open foundry in the air?

MR. MILES: Oh, yes, the more you confine the dust the worse it is, naturally.

MR. SEAMAN: So, if this bill provides for separate cleaning rooms for castings, the men at work in cleaning castings would be at a disadvantage compared to what they are now, in working in the same building, wouldn't they?

MR. MILES: Yes.

MR. ELKUS: But there are only a few men who clean castings.

MR. SEAMAN: I say, these 20 or 30 men, in cleaning castings, work under very much worse conditions than the men out in the shop, who have practically the open air, where it does not amount to very much, because the dust settles right away.

MR. ELKUS: The answer to that is very simple. If you have a separate room to clean castings you can have just as high a room as your foundry, and you are limiting the ill effects of gas there to the exact number of men that work there, and the rest of the foundry does not have any difficulty with it.

MR. SEAMAN: That would practically mean that every foundry would have to be rebuilt.

MR. ELKUS: In the case I have mentioned, the very simple suggestion made by one of the foundrymen, namely, putting in this sailcloth curtain, that permits you to do your cleaning of

castings in the high part of the foundry and also limits it to the few number of men who are actually engaged in cleaning. He said he had done this at very small expense. I have forgotten his name. Do you remember it, Senator Wagner, who it was that said that?

MR. CHAIRMAN: No.

MR. ELKUS: It was at the hearing at Albany.

MR. SEAMAN: If this curtain would be put across some part where the crane travels, it would be only a very low height, to enable the crane to travel over, so it would not probably be able to go up 10 or 15 feet, and that would protect from the heavier dust only, it would settle anyway, and all the dust which would go higher would go over that just the same.

MR. ELKUS: He said he worked it so it practically kept out all the dust, now. He was one of your own people, so you better consult him.

MR. SEAMAN: Who was it?

MR. ELKUS: I will tell you the name when I get the testimony. It will be all published.

MR. SEAMAN: One more question in regard to the core ovens. Is it understood that the time that the smoke and gases are created from the cores is during the time of the drying process? During this time the cores are entirely separated from the other parts of the foundry building. They are in the oven, which has four walls and a tightly closed door, and during this drying process the gases and smoke and steam are carried off through the stack. By the time the doors are opened again in the morning most of these gases have escaped, or practically all of them, and the dried core which is taken out in the core room might possibly steam a little, which is nothing more than water evaporation, but all the obnoxious, unhealthy gases have already escaped.

MR. ELKUS: You don't ask any questions. You make statements.

MR. SEAMAN: I am asking Mr. Miles to confirm them.

Mr. MILES: Well, that is true. During the drying process there isn't any gas practically comes out, unless there is some leak around the door, gets into the foundry at all.

Mr. ELKUS: That contradicts what we saw ourselves, and smelled ourselves.

Mr. MILES: How does it get out?

Mr. ELKUS: I do not know. I know it was there.

Mr. MILES: Well, then they had an imperfect oven.

The CHAIRMAN: What do you think of Mr. Farrell's proposition to have ovens and have an exhaust before the doors are opened, carry off all smoke and gas in the oven rather than let it leak out into the foundry or coreroom?

Mr. MILES: I do not know. That might do some good, but my point is this, that a foundry is expected to take in air continuously during the drying process. Now, you open your ovens in the morning, and remove your dry cores; your fire has died down meantime before you open them, and you take your cores out, and they may steam a little, but you can't control that, you wouldn't control that any better, and there isn't anything left in the oven but what little gas might be there for a few minutes, so I do not see that that does any particular harm.

Mr. VAN ALLEN: Mr. Franklin Agge, who is the manager of the Republic Metal Ware Company. This plant has about six acres of shop space and employs six hundred people.

Mr. ELKUS: Where is that? In Buffalo?

Mr. VAN ALLEN: In Buffalo, yes.

Mr. FRANKLIN AGGE sworn:

Mr. VAN ALLEN: Mr. Agge represents a class of industry, the manufacture of metalware of different kinds, and so far as he is concerned he speaks for that class of industry in the city of Buffalo.

Now, Mr. Agge, if you will go on in your own way and conduct your own argument with reference to those bills which you have examined for this purpose.

MR. AGGE: I represent an industry employing about 600 people, and about 140 of whom are women, in buildings five and seven stories high.

MR. ELKUS: Just what did you manufacture there?

MR. AGGE: All kinds of kitchenware, enamelware and galvanized and householdware. Why I speak of this is because the bills I have to speak on relate to fire alarm signal system, fire drills and fire escapes.

MR. ELKUS: That is bill No. what?

MR. AGGE: Bill No. 2 is the first one. Bill No. 4 is the second. In the first bill I have, which is No. 2, the first item is in regard to fire alarm signal systems. This section states that: "Every factory building more than two stories in height shall be equipped with a fire alarm signal system with a sufficient number of gongs of proper size located on each floor of the factory building or within each separate room where more than one factory is located on a single floor. The system shall be so installed as to permit the sounding of all the alarm gongs within a single building whenever the alarm is sounded in any one portion thereof, which shall indicate in what portion of the building the alarm is first sounded. The means of sounding these alarms shall be placed within easy access of all the operatives within the factory or room and shall be plainly labelled. The fire alarm signal system is not to be used for any purpose other than in case of a fire or a fire drill, and it shall be the duty of the person in charge of any factory or part of a factory wherein a fire originates, to cause an alarm to be sounded immediately."

I have to speak only, of course, of our own experience, and would say in this connection that a short time ago we realized the necessity of alarming our operators thoroughly in case of fire, and we consulted Chief O'Connell of the fire department, as to what we should do, what would be the best thing to do. He suggested a

gong in every room so that it could be heard on every floor, in every room. This we have done. We placed a gong in every room in our building and so arranged that by throwing a switch at any one point the gong should ring all over the building. The part of the bill which seems to us to be hardly necessary is that when the gong of any one floor rings — I would say this that the gongs ring all over the building; when the switch is thrown for any one point in the building; they ring all over the building. We have five buildings. The point is, we think it is hardly necessary to have an annunciator on each floor showing where the fire is in the building. Our instructions are to our employees, when these gongs ring to leave the building at once by the best method available, and we have a great many methods, a great many openings. We think it is not wise to notify all the operatives where the fire might be and possibly send them scurrying into rooms where fire has broken out, and we believe it is best for the operators to be entirely in ignorance of where a fire is, simply leave the building.

Mr. ELKUS: You do not object to the provision requiring the system, but the only point you object to is the requirement that the alarm shall indicate in what portion of the building the alarm is first sounded?

Mr. AGGE: Yes, that is all, on account of the expense, for one thing, and it seems to us entirely unnecessary.

The CHAIRMAN: You had a fire drill?

Mr. AGGE: We have not had a fire drill yet. These gongs were recently installed, within a month or two, and we have yet to confer with the chief of the department as to the best method of having fire drills. We propose to have fire drills, yes. In that case there are several points there. One is that the fire drills shall be upon the request of a representative of the fire department, and another is that the fire drill shall be conducted at least every three months. We have no objection whatever to the fire drill, and we suppose it will be used when it is necessary, and not more than is necessary. As I say, we will adopt the fire drill very soon.

Now, the bill No. 4, the act relating to fire escapes. The first provision here, which seems to us a dangerous one, is the covering of the steps.

MR. ELKUS: That we have heard about from other people, and that is going to be changed.

MR. AGGE: Yes, all right. That provision, covering with rubber.

MR. ELKUS: Yes, I think that is a good objection, Mr. Agge.

MR. AGGE: Then, I simply have to speak of our own experience. We have several buildings, have one building built a great many years ago, have two or three built within eight or ten years, and one built last year. The buildings built a great many years ago, the one building, would be very difficult to change to the requirements of this bill, in fact, I do not know how it could be done. Be almost cheaper to tear it down. That is only one building. The buildings built ten years ago are so arranged that it would be difficult, not impossible but difficult, to separate the stairs and the elevators, build a partition between the stairs and the elevators.

MR. AGGE: At the same time, without any question, the thing ought to be done, elevators should be situated over the stairs, but at the same time it would be somewhat difficult to do that. There is no particular objection except the expense.

MR. ELKUS: Yes. It is in some cases rather difficult.

MR. AGGE: Yes, the expense would be a great objection there. The matter of doors and such things are all right excepting this. we are told here that no door, window or other opening in any floor shall be obstructed.

MR. ELKUS: Which page are you reading from?

MR. AGGE: Page 2 of bill 4 —“ shall be obstructed by any stationary metal bars, grating or wire mesh.” We are obliged in our erection to protect our windows in our third story with wire mesh on account of the breakage from boys, hoodlums, outside, and in the new factory we have built the windows with wire glass and metal sash. It seems to me that metal sash would create almost the obstruction that is mentioned here in this bill. It would be metal bars across the windows.

MR. ELKUS: Are they easily removable?

Mr. AGGE: No, the lower half of the windows is fastened, the upper half swings on a pivot.

Mr. ELKUS: Couldn't you arrange it so that the lower half would swing on a pivot, too?

Mr. AGGE: Well, it could be done, I suppose.

Mr. ELKUS: That would answer this bill, you know.

Mr. AGGE: Leave a very narrow space for anybody to get out of.

Mr. ELKUS: Well, whatever space it is.

Mr. AGGE: Well, how would you cover it? Because if a ladder was placed up from the outside it seems to me that it would be hard to open the window that way — the windows swing in or slide up and down.

Mr. ELKUS: Slide up and down either way?

Mr. VAN ALLEN: Mr. Agge, will you permit me just a moment on that? There is a solid metal sash required now?

Mr. AGGE: Yes.

Mr. VAN ALLEN: How does that affect this situation you are just discussing?

Mr. AGGE: That is the very thing I am speaking of.

Mr. ELKUS: He said it could be slid up and down or opened inwardly.

Mr. AGGE: It could be arranged, no doubt, but up to this time we have had no knowledge of such arrangement. Our windows, the lower sashes are fastened. The question of fire escapes — a long description of fire escapes — I will just read part of one. The fourth page of this bill states that "All outside fire escapes shall be constructed of wrought iron or steel and shall be so designed, constructed and erected as to safely sustain on all platforms, balconies and stairways, with a factor of safety of four, a live load of not less than ninety pounds per square foot. The treads of the stairways shall sustain a live load of four hundred pounds per step, with a factor of safety of four."

Now, to do that it would be necessary to have the stairs sustain a breaking load of 24,000 pounds, or 12 tons. With a 200-pound man or woman on every stair, the load of 15 steps—we could have 15 steps in the height of an ordinary foundry building—only 3,000 pounds are required. So the 24,000-pound sustained load on a stair seems to be very excessive.

Mr. ELKUS: What do you mean to say it ought to be, Mr. Agge?

Mr. AGGE: Why, it seems to me to be if they sustain 200 pounds per step—

Mr. ELKUS: Instead of 400?

Mr. AGGE: With a factor of safety of four.

Mr. ELKUS: I see.

Mr. AGGE: Just about half what is now called for here.

Mr. ELKUS: Well, we will take that suggestion into consideration.

Mr. AGGE: Yes, sir.

“Wherever practicable continuous run or straight run of stairways must be used.” I would like information on that. Does that mean that they shall run continuously from top to bottom, or from one story to the other?

Mr. ELKUS: Well, if you can run them from the top, if it is a small factory, only two or three stories high, you might run one staircase. Of course, if you can't, a big, tall factory, you would have to run two or three.

Mr. AGGE: Yes. It is also stated here that the balconies must be connected by stairways placed at an angle of not more than 45 degrees, the steps not less than 6 inches tread and not over 9 inches high. That seems to be all right, with this proviso, that fire escapes take in enough windows to allow a 45-degree slant. As now arranged, most of the fire escapes are about 60 degrees, and people back down. That seems to be the safest way, because if they walk down and look ahead they are apt to get dizzy.

Mr. ELKUS: If they walk down a 45-degree stairs they are not very apt to get dizzy, are they?

Mr. AGGE: Well, they may not.

Mr. ELKUS: Of course, what this bill is designed to meet are these fire escapes which you can see out of the window here, this one right over here on this red brick building. In case of fire nobody but an acrobat could get down there.

Mr. AGGE: Oh, yes.

Mr. ELKUS: That is useless.

Mr. AGGE: Yes.

Mr. ELKUS: The only people who use those are the firemen going up with the hose.

The CHAIRMAN: Isn't that foundry where the curtain was used in Brooklyn, Mr. Elkus?

Mr. ELKUS: Yes, Greenpoint; a very progressive, very intelligent man. I have forgotten his name.

Mr. AGGE: Another point made here, when the people are employed in factories at night, a light should be placed on every platform on the fire escapes, the lights to be controlled by independent circuit. Does that mean a circuit independent of the power plant shall be used?

Mr. ELKUS: No.

Mr. AGGE: Simply independent of the factory wiring?

Mr. ELKUS: So that if all the other wires at the switch burn out, this one would not.

Mr. AGGE: I see. It seems to me that is all of any importance that we have in this bill, unless counsel can suggest something.

Mr. VAN ALLEN: Mr. Agge, my attention has been called to a factory where they carry accident insurance and they have recently been compelled by the accident insurance companies to

place fixed bars across the windows up above certain stories. Do the accident insurance companies require that in your factory? Do you carry accident insurance?

Mr. AGGE: Yes.

Mr. VAN ALLEN: How many stories high is the Republic Metal Works?

Mr. AGGE: Five and seven. The house building is seven. The other is five.

Mr. VAN ALLEN: You have not met that condition?

Mr. AGGE: May I ask again what that was?

Mr. VAN ALLEN: Where the accident insurance companies require fixed bars across the window up above a certain story in order that people will not fall out of the windows.

Mr. AGGE: No, nothing of the kind.

Mr. VAN ALLEN: You have not met that situation at all?

Mr. AGGE: No.

Mr. VAN ALLEN: Thank you, Mr. Agge. That is all.

Mr. ELKUS: Mr. Agge, I want to thank you and compliment you on the very fair way in which you have taken up this subject. It is helpful to the Commission.

Mr. VAN ALLEN: Burwell S. Cutler, president of the Cutler Desk Company, and the oldest manufacturer in the city of Buffalo, that is to say, the Cutler family have manufactured longer in the city of Buffalo than any other institution. Mr. Cutler is also the chairman of the manufacturing interests of the Chamber of Commerce, a committee of about ten men of the different lines of industry, and I should like to have him tell the Commission what he thinks of certain of these bills.

Mr. CUTLER: Mr. Chairman, I will confine myself entirely — I have only a few remarks to make — to bill No. 24, not as a matter of personal opinion entirely, but to voice as far as possible the major sentiment of the twenty-one men, exactly

twenty-one, representing as many industries in the city of Buffalo at a recent conference. Bill No. 24 relates to elevator enclosures, hoisting shafts in existing factories and inspection of elevators by the Commissioner of Labor. The disapproval was based on four particular grounds: That in subdivision No. 1 hoist ways shall have vertical enclosures at least six feet high, and this provision includes the basement. Well, that seems to have been perhaps an oversight by the framer of the bill, because basements in many manufacturing plants are nothing more or less than enclosed foundation walls and frequently they have not a head room of more than five feet. They are provided primarily with shafting and running belts, and also used as storage, and of course, the elevator shaft runs down, and it would be impossible in such a case, naturally, to have a six-foot enclosure.

Mr. ELKUS: Why?

Mr. CUTLER: Because there might not be that much head room. They are not regular workshops.

Mr. ELKUS: Your point is that they should be changed so as to provide for the case where the floor or basement is not six feet high, the enclosure should be as high as the basement.

Mr. CUTLER: Exactly.

Mr. ELKUS: Well, I think that would be read into the bill, anyhow, without saying it.

Mr. CUTLER: It possibly would, except that lots of times there is a little work done there and it might be termed a workshop, although it is not regularly so. That seems to be merely an oversight.

Now, the second particular is the last two lines of subdivision 1, prescribing a top cover for freight elevators. This would be a very serious hindrance in a great many plants of various kinds where they manufacture unusually long articles, factories making railings, metal or wood grill work, or in furniture factories —

Mr. ELKUS: Yes, but you could have the top grating so that it would be movable.

Mr. CUTLER: I do not believe you could. That has been suggested but if you had a substantial top, it would be a difficult

thing. It would have to be run up to the upper floor and the top taken off, and an elevator shaft is narrow and high.

Mr. ELKUS: You would have to hoist it right to the top and leave it there while you put in the long thing.

Mr. CUTLER: Yes, the mechanism, I suppose, is possible to be rigged up and send it up to the top.

Mr. ELKUS: Of course, the evident object of that is to prevent numerous accidents that happen through things falling on people in the elevators.

Mr. CUTLER: Yes, I supposed that was the evident object, but we could not amongst ourselves discover an instance in which the operator had been hurt.

Mr. ELKUS: I can give you instances of that.

Mr. CUTLER: There are many of them?

Mr. ELKUS: Yes, quite a number; and things being thrown down carelessly, you know.

Mr. CUTLER: Well, there are rules in every well regulated factory about throwing things downs. Of course this bill could not legislate against criminal assault, could it?

Mr. ELKUS: No.

Mr. CUTLER: Not very well. Well, to elaborate that a little more, in some plants only a small proportion of the articles are large, in other plants they are continuously carrying back and forth foundry equipment, like piping, etc., and machinery parts, and an elevator need not be built for that particular purpose, and either it puts it out of commission, so that it cannot be used —

Mr. ELKUS: Well, we might add a provision there that in all cases where it became necessary by reason of the nature of the business that this top should be done away with, that a license or permission to that effect could be obtained from the Commissioner of Labor.

Mr. CUTLER: I think that is a very reasonable provision. In fact, that is the viewpoint, Mr. Chairman, that most manufacturers take in all these provisions, that if the Commissioner

of Labor has sufficient discretionary power, that will take care of the exceptions.

MR. ELKUS: Well, it is the purpose, Mr. Cutler, to give the Labor Department, the new advisory board, power to make rules and regulations that will have the force of statute and which will take up all these details. You see, these bills are only put in this form, separate form, so as to have them more easily discussed, the idea is, after they are all talked out, to put them altogether, and such as can be put into one bill will be put into one bill, and many of them perhaps will be put in the form of a minimum requirement, certain things to be followed by more specific rules, which will be made by this advisory board of the Labor Department, and to have rules that can be modified within a few days to meet special cases.

MR. CUTLER: Exactly. I see.

THE CHAIRMAN: What do you think of that advisory board idea? Have you given it any thought?

MR. CUTLER: I have not given it any thought more than the last two or three days. It strikes me as being excellent. It gives the benefit of combined experience. Do I understand from your remarks, Mr. Elkus, that you do not desire objections to any more particular points?

THE CHAIRMAN: No, you go right on.

MR. CUTLER: Well, I am not anxious to make a speech if these suggestions are superfluous.

MR. ELKUS: No, go ahead. We want to get your point of view of it. That is what we are here for.

MR. CUTLER: All right. I can get through in a minute.

MR. ELKUS: Take all the time you want.

THE CHAIRMAN: There may be something in the statute you may want to voice your objections to. Your speech might guide us in the proper direction.

MR. CUTLER: In subdivision No. 2 of the same bill, the provisions for enclosure of elevators, etc., are a great deal more stringent on account of their being passenger elevators. It is

true in the majority of plants that you cannot differentiate between a freight and a passenger elevator. It is impossible to keep the men in the factories off the freight elevator. Foremen have workmen who want to accompany a load from one department to another, and it is pretty hard to say when they are passengers, when they are directly in charge of a load. Of course, that is another matter that might be left to the discretion of the Commissioner of Labor. At the same time, it opens the way to dispute. We think that that paragraph should be amended to read,—“Hatchways of all elevators used exclusively for carrying passengers in factory buildings of seven stories or over,” because the evident purpose of the bill is to provide a safe means of passage up and down for employees crowded at the top floors, consisting largely of women and children. In most manufacturing plants the men are all mechanics and well able to take care of themselves, and they could ride a freight elevator with safety if it were protected as the freight elevator is described in paragraph 1. To duplicate a set of elevators throughout a factory, to be used exclusively for passengers, would be very expensive, and hardly justified by the object that this bill aims at.

In the matter of flush enclosures on the passenger elevators, there is a very wide divergence of opinion expressed by the manufacturers for whom I speak. In many of the plants of to-day, some that are well known in this city and throughout the State there are a type of elevators that are highly approved by the most progressive manufacturers and also by the Board of Fire Underwriters and Bureau of Labor, that do not conform to this provision as to flush enclosures, because they are built either against one or two walls that differ in their thickness as they go up. Instead of the platform of the car being flush at the wall all the way up, it simply comes flush with each floor, by reason of a projection. You see what I mean? And in order to tear down those walls and build them the same thickness all the way up which is against the provisions of the buildings laws.

The CHAIRMAN: Couldn't there be a partition in there?

Mr. CUTLER: Yes. That has been suggested. They could put it in at a great deal of labor, but if it were a cement wall it would be difficult.

Commissioner PHILLIPS: Put in a wire screen. I have in mind a case at Rochester awhile ago where the wall did get narrower as it went up and left a space there. A workman who was up on the fifth or sixth floor suddenly disappeared and was killed. If they had had some screening to make that flush, that man would be living to-day to take care of his family.

Mr. CUTLER: I think myself it is a very serious defect if such an accident is possible, and there has been no division of opinion on that, but the chief thing was the apparent conflict between that and the building laws as to make the walls of the same thickness all the way up.

Mr. ELKUS: The wire screen that Assemblyman Phillips suggests might cover that.

Mr. CUTLER: I am not thoroughly enough acquainted with the technical details to settle that, but I think Mr. Sowers of the Sowers Manufacturing Company would know about that, because he has an elevator of exactly that type.

Mr. SOWERS: I should think that the wire screen suggestion would work all right, but you can see when you get up to the fifth floor with a twelve inch wall, and to fill that with concrete or brick, you would be subjecting the carrying beams to too great a weight.

Mr. ELKUS: But the wire screen would answer the same thing.

Mr. SOWERS: The wire screen might work out. It would not make it flush all the way up, it would have to come down and shelf in at each floor.

Mr. ELKUS: If you made it nearly flush it would prevent the cause of the accident.

Mr. SOWERS: Yes.

A. W. GRAY: Would that not create a draft in case of fire, make a flue?

Mr. VAN ALLEN: He is going to cover that.

Mr. CUTLER: With those four particular grounds, I will say that on general grounds the bill received disapproval because it

encouraged manufacturers to make a sort of flue. Vertical enclosures, if they are open, are not so dangerous, but this bill allows, even if it does not encourage, a sealed enclosure and wooden enclosure, through which flames could be sucked up and spread throughout an entire plant in a short time.

Mr. ELKUS: Every elevator way or hall is more or less of a chimney for fire. You couldn't stop it.

Mr. CUTLER: Yes, it is.

Mr. ELKUS: And if you can make them so that a fire is confined to that as much as possible, it is less damage.

Mr. CUTLER: I quite agree with you. In fact, you have got to treat the elevator question in one of two ways, either as a continuous means of egress, or the reverse of that, or else treat it as a fire danger and have it enclosed with fire proof materials and trap doors and for those immediate difficulties at the first alarm of fire, but you cannot make a compromise between the two ideas very well.

It speaks in this bill about permission to use automatic doors that will work as the elevator does, up and down. Well, manufacturers have found that they are impracticable, they have found that those doors do not work. It says here "may" use.

Mr. ELKUS: It is only permissive. That is for the reason that they will work sometimes.

Mr. CUTLER: They will work if the elevator is not working too continuously, but the mechanism is too delicate to stand the constant wear and tear. That has been the general opinion and experience.

Perhaps a general defect of the bill, in conclusion, is that it covers factories that may be anywhere from two to twenty stories high, the object here being to protect people who are some distance from the ground in case of fire. It seems rather unfair to subject a factory of two or three or four or even five stories to a complete re-equipment.

Mr. ELKUS: It does not reach that far. It is in case of accident that this bill is drawn. The same liability for accident applies to a building two or three stories high, perhaps, as to one higher.

Mr. CUTLER: Of course, that relates to the hoistways. You mean, in case of accident, the employees would want to get out in a hurry. Well, of course, fire is the chief one, isn't it?

Mr. ELKUS: Fire is the chief one for the reason of egress?

Mr. CUTLER: Yes.

Mr. ELKUS: I mean to prevent accident from the elevators. I do not know whether you know, but a great many accidents occur in elevator shafts because they are unguarded.

Mr. CUTLER: No, I confess that I did not. I haven't any statistics on that.

Mr. ELKUS: Any quantity of them.

Mr. CUTLER: Is that so?

Mr. ELKUS: Men and boys are being squeezed and having their heads taken off because the shafts are open like the old hatchways used to be.

Mr. CUTLER: Don't you think, Mr. Elkus, provisions should be more stringent for the height of twenty stories, where there is more danger and more people, than where there are two stories and the men are doing work of a mechanical nature, and the employees are entirely composed of men.

Mr. ELKUS: I will be very glad to take your suggestion in concrete form, if you will give it to me.

Mr. CUTLER: Well, I should say that if the bill related exclusively to factories of five stories and over, in the matter of flush enclosures that it would take care of that idea very well indeed.

Mr. ELKUS: Well, we will consider that suggestion. I will be very glad, Mr. Cutler, if you want to, if you will submit additional memoranda in writing, if you will do it within a week.

Mr. CUTLER: I would be very glad to do it.

Mr. ELKUS: Send it to me in one week, if you will.

Mr. CUTLER: In considering these bills, I want to make it clear to you that there was, as Mr. Van Allen has mentioned, at that meeting of manufacturers, of which I was chairman, a very evident desire on the part of all the manufacturers to treat the bills fairly. There was a certain amount of criticism of some things, but we said, "Let those go, because those are reasonable." It is only those that seem radically objectionable that I have presented here to-day.

Mr. ELKUS: Well, I think you have shown a very fair spirit in what you have said, and I want to thank you for it. We are very glad to be met in such a spirit. These bills are not perfect, but there are no "jobs" in them.

Mr. CUTLER: No sensible man has any suspicion of that sort. That is an attorney's idea.

Mr. VAN ALLEN: You put me in a very delicate position, because Mr. Elkus was aiming at my unguarded head.

In addition to the witnesses we have provided, I have received a request from two or three other manufacturers to be permitted to present certain views as they apply to their own particular factories, and in that connection I would like the Commission to hear Mr. Heckman, who is the superintendent of the Larkin plant, one of the largest plants we have in the city of Buffalo.

JAMES C. HECKMAN, 196 Soldiers' place.

Mr. ELKUS: You are superintendent?

Mr. HECKMAN: Superintendent of the Larkin Company.

Mr. ELKUS: Do you want to testify to any facts or simply give your views?

Mr. HECKMAN: Simply give my views on this bill.

Mr. ELKUS: Well, you need not be sworn.

Mr. VAN ALLEN: Go on and present the matter in your own way.

Mr. HECKMAN: An objection which occurs to me in regard to this proposed bill No. 4 in regard to stairways and so on, is that it is too specific. It seems difficult to provide specifically for all the conditions that may occur in all the factories in all sorts of industries all over the State. The purpose of the bill is quite evident, to protect the lives and limbs of the employees in case of fire or other accident, and I think every manufacturer will agree that that is a good purpose, and that every effort should be made to so protect their employees; but conditions vary in different factories. I could point out a few of the inconsistencies that occur in our own factory, which will perhaps illustrate that. We have been building buildings there for twenty years. Each building we built we tried to improve over the last. We used the best intelligence, the best engineering ability we could. We had inspectors from the mutual insurance companies, yet our older buildings will not comply with this requirement. Five years from now we will know a great deal more. If we start in now and rebuild our older buildings to comply with these requirements five years from now we may have to re-build them again. Our main plant is about a thousand feet long, about three hundred feet wide, built very solidly, with fire walls between. In studying the question of fire egress we had an expert study it with us, and installed a fire drill. We found that the safest way to get our employees away from a fire would be to move them horizontally through the fire walls to other portions of the building. The stairways would not be required. Yet, according to this bill, we would have to re-build all our stairways, make fireproof stairways of them.

Mr. ELKUS: Have you wooden stairways that are enclosed?

Mr. HECKMAN: No, they are steel stairways. The stairway from floor to floor is cut off by a fireproof partition, so that to get from the head of one stair around to the foot of the next you have to go out through the floor of the building. Now, as I understand, in this bill, we would have to close that passage.

Mr. ELKUS: I don't know how many people you have on each floor. It depends upon the character of your building. Of

course, you know, it is a pretty dangerous thing if you have a fire to have any part of the staircase open into a loft or floor.

Mr. HECKMAN: In that main group of buildings we have sixteen stairways. If one stairway should be involved in fire the employees still have fifteen more. We have a system of fire drills.

Mr. ELKUS: Of course, it is impossible to say without examination of your building, but most of the people who thought that they were going to have very great hardships under this proposed law found they would not, especially if they have horizontal means of getting out of the building. Do you have a covered passageway, with fire doors?

Mr. HECKMAN: Fire doors into the next building?

Mr. ELKUS: Well, I can't tell. Of course, you know your own building yourself.

Mr. HECKMAN: This building, as I understand it, would involve us in \$75,000 anyway to rebuild those stairways.

Mr. ELKUS: You say they are enclosed?

Mr. HECKMAN: But the passageway from the head of one stairs to the foot of the next is not.

Mr. ELKUS: Why shouldn't it be?

Mr. HECKMAN: We have done it in our last buildings. We did not know enough in our first ones.

Mr. ELKUS: How many people do you employ in those buildings in which the stairs are not enclosed?

Mr. HECKMAN: In our entire plant we have about two thousand people. The point that I would like to make would be that if the provision were made general, and then an inspection by the department of particular conditions would enable them to specify what our particular plant needed, instead of trying to apply a general law to everybody.

Mr. ELKUS: Well, the trouble about that is there would be a great deal of complaint if discretion was exercised.

Mr. HECKMAN: It seems that in some cases this would involve the manufacturer in a very great expense without any adequate additional protection being given to his employees.

Mr. ELKUS: Well, that is not the opinion of the experts we have heard. We have had estimates made—I don't know, of course; I can't tell in your case—we have had estimates made of the cost of building these fireproof walls around the stairways, and they do not cost very much. I suggest, Mr. Heckman, that if you will give me your exact facts I will have the engineer of the Commission take the matter up with you, and perhaps your situation is not as bad as you think it is.

Mr. HECKMAN: Well, we had a study made of all our means of egress this summer, by an outside committee of experts, and they recommended certain changes which we are now preparing to make. But even if we spend that money we would not comply with this proposed law.

Mr. ELKUS: Well, of course, I can't tell your particular facts, but I suggest that you correspond with the engineer of the Commission. He may be able to help you.

Commissioner DREIER: Do you think that the requirement of horizontal exits will get people out quickly?

Mr. HECKMAN: Yes.

Commissioner DREIER: You can get your people out through the exits?

Mr. HECKMAN: Yes, bring them to an entirely different part of the plant, and they use those stairways out.

Mr. ELKUS: Your point is that if you have sufficient horizontal exits to take your people out, somebody ought to have authority to waive the requirement to enclose the staircases?

Mr. HECKMAN: That is the point.

Mr. ELKUS: That is a good suggestion. It might be acted upon. We are very glad to get it. If you will give me your facts in detail, or give me the report of those outside experts that

you called in, I would like to have it, because it would help us in redrafting the bill, after we got all through. You approve of these bills in the main, I see, the spirit of them?

MR. HECKMAN: I approve of the spirit of them. The point I make is that they are too specific, that our particular method of meeting the problem will get the results, yet, would not comply technically with your requirements.

MR. ELKUS: All right. Thank you very much, Mr. Heckman.

MR. VAN ALLEN: Mr. Chairman, during the course of this inquiry Mr. Sowers has been good enough to take notes on a few things that perhaps some of us have slipped over in a rather hurried way, and I wish you would hear Mr. Sowers for a few minutes, of the Sowers Manufacturing Company.

The CHAIRMAN: We shall be glad to hear Mr. Sowers.

DAVID W. SOWERS: On the question of the solid metal sash, for instance, there is a construction which is called the Fenestra, and the Lupton, and there may be a dozen more, but I happen to know of those two, one of which we recently used in putting up a new machine shop, which has a solid metal frame with transoms about three feet square. Those are built into the building, and for fire protection they are covered with wired glass. A number of buildings around town, a new warehouse just recently built, have the same construction. The question is whether that construction would have to be changed or whether the law would understand that the firemen can get in through this transom.

MR. ELKUS: Is the sash so constructed that somebody can get in or out?

MR. SOWERS: Not the sash itself, only through the transom.

MR. ELKUS: Well, is there any trouble about getting in or out?

MR. SOWERS: Well, they would have to climb over. You can picture to yourself an opening, say, eleven feet long and eight or

nine feet high, with two of these transoms three feet square, about three feet above the sill. Of course, they could put a ladder up and crawl in and get back out that transom, which is on hinges and operates easily; but as we read the law we felt it might mean the changing of all those windows. I think that construction is to get just as much light as possible. In fact, this building I have mentioned is simply pilasters and metal sash, and you will find that is a model construction. The Ford plant, for instance, studied everything very thoroughly and put that construction in, and there are thousands of them throughout the country. We just thought we would like to know about that.

Another note I made here is, whether the Commission will understand that a wired curtain over an elevator would be looked upon as a "substantial" way of preventing accidents.

Mr. ELKUS: I think if the wire was heavy enough it would. I don't see why not.

Mr. SOWERS: I have in mind the question of making a solid roof, so to speak, over the elevator car, many elevators are simply lighted by the elevator well.

Mr. ELKUS: No, the word "substantial" was used for that reason.

Mr. SOWERS: Yes. In the foundry situation, the question of open fires. As I remember the bill, it says all fires should be connected with drafts. There are lots of moulds that have to be dried in an open fire, some of them dried in portable salamanders set in the mould, and others dried by torches, oil torches, which are in connection with hydro-carbon and compressed air, and they are used around the foundry different places. This bill would absolutely prohibit the use of those torches, make it impossible to make a lot of castings. We have one particular type in our factory and I know at least three others.

Mr. ELKUS: What is the name of your foundry?

Mr. SOWERS: Sowers Manufacturing Company.

Mr. ELKUS: What business is it?

Mr. SOWERS: Manufacturing engineers and founders. We make all kinds of special castings.

Mr. ELKUS: Do you employ women?

Mr. SOWERS: Yes, we have women coremakers. I am going to touch on that in a moment. That point we feel is very important, and also the question of heating your foundry under your crane-ways, which is a point Mr. Miles has to think of, where he had, I believe, a 40-foot crane. Those steam pipes do not give enough heat in severe weather to warm the center of those floors, and we have not been able to figure any other way than the salamanders. We have salamanders with stacks, so that they carry the fumes up quite a ways. But they cannot get over the crane-way. In our case I believe this is about twenty-five feet. Cannot go higher than that or the crane will be obstructed.

The gentleman this morning from Batavia brought up the matter of the odors from the cores. I wish he was here. I do not see him. I wanted to ask him how big cores he made. He referred to pencil cores. Of course the odor, or steam, from small cores is not very great, but I have in mind at least four plants where the cores are larger and go back into the core-room to be cleaned, as it is called, finished up and blackened, and they carry some odor with them. Even though you had your core-room partitioned off, in fact in our own case, you would have that odor in the core-room. We had a physician go all over the matter and even go into the question of what coke we could use in our core ovens, and we are using much more expensive coke than we need use, simply to get rid of the odor. A lot of odor comes from poor core ovens. There is no question that lots of core ovens in the country should not be in use, but with modern equipment the odors and objectionable features are minimized.

Another type of core oven is the so-called drawer type. The modern drawer type core oven has a shutter. We use that and also the type Mr. Miles referred to. The drawer type oven would not be practicable to exhaust hot air, because you have fire under that twenty-four hours a day. You have that fire to get heat and you are running that continuously. We are running it twenty-four hours a day. It would not be practicable, you see, to exhaust

the odors out of the oven every time one draw is pulled out. We feel that if the oven is in the room, if it is that or some similar type, which will not allow gas to continuously flow into the room, it is not in the least objectionable.

Another point, whether the bill would consider the "sail cloth" partition as a "substantial partition." If it would, it could be used in a lot of cases, but as we read it, it means a substantial wooden or glass partition.

Mr. ELKUS: You mean in the core rooms?

Mr. SOWERS: This was in the cleaning room.

Mr. ELKUS: That sail cloth idea was suggested since this bill was drafted. You think that would be practicable, don't you?

Mr. SOWERS: In some cases, yes. In our own case we have both large and small castings, and the small castings are of a nature we have to blow out, small castings, we cannot tumble them, and they have to be "blown out," as it is called, and that we do in one part of the foundry. To put in a dust-removing device we would have to put it right straight down over the castings. It would not be practicable. We have independent dust removing for sand blast, which is a different thing.

The question was brought up, after the General Electric, of lead poisoning. I do not think that had anything to do with the foundries, because the foundry uses a graphite on their moulds, but does not use any poisonous leads. I had an idea that you had to do something with the cable department, something like that.

Mr. ELKUS: No, that was not the purpose of my remark. It was that the compulsory use of the wash rooms was very beneficial not alone to the employees but the employers. These men have got to be taught to use these rooms. In most cases we have found that they are not kept clean or there was no arrangement, no place where a man could change his clothes, and that was the reason they were not used.

Mr. SOWERS: In our own case, we fitted up a washroom to take care of seventy men. Allowed the men ten minutes to wash

up, and I was out there myself, I think it was in July — there were eighteen lockers in use. We found as a rule in the factory the men would not use the lockers and changed their clothes upstairs, because they did not want them hanging around on the beams and partitions, etc.

Mr. ELKUS: Do they use it now?

Mr. SOWERS: Yes, they use it if we make them, but I will say further we have done away with that ten minutes proposition. The men do not have any time now. They clean up on their own time.

Only one other point, that is, I think the Commission should consider in figuring on this question of gases, dirt, etc., that a foundry always will be a dirty place. I think the modern foundry man wants his foundry just as clean as it can be; in fact, when the inspectors come there, unless I am engaged in some way that I cannot get out, I always give them my own time, and recently one of the women inspectors went all through the plant and we have never had any complaint from the department, otherwise than the question of guarding some machinery, or something like that, which we always take care of at once.

Mr. ELKUS: We are very much obliged to you, Mr. Sowers.

Mr. VAN ALLEN: Mr. Alberger of the Howard Iron Works would like just a moment, and that will finish the witnesses which I have.

ALDIN H. ALBERGER: Mr. Chairman, I simply rise to back up the statement made by Mr. Miles, Mr. Sowers and other gentlemen here. My general impression is this, that the bills generally are excellent. New plants can usually put into effect the new construction, but they are so specific when applied rather rigidly to old plants that they are going to put a very great hardship on manufacturers, and the ones who are going to feel it worst are the small manufacturers with little shops, like myself. My thought is, after reading the bills and listening to the discussion, that the bills are too specific in their application to all existing plants, and there should be a discretionary power which would relieve the application of some of the features of the bill to the small factories.

If you strictly enforce, for instance, the provision regarding separate cleaning-rooms in foundries, I am quite sure there are some little foundries that would have to buy some more land. I am quite sure that there are a good many that cannot afford it, or are located where they could not buy it. The bills are so specific that a great many minor points of that character will come up to make a great deal of hardship to the small manufacturer, whose volume of employees is perhaps bigger than those of the larger ones, and if a discretionary power could be introduced here, admitting that the little foundries are not conducted on the best hygienic lines, or as good as they could be — I am willing to admit that our own foundry is not conducted perhaps as well as it might be.

Mr. ELKUS: What is your foundry?

Mr. ALBERGER: The Howard Iron Works.

Mr. ELKUS: Where is it located? Here in Buffalo?

Mr. ALBERGER: In Buffalo.

The CHAIRMAN: How many do you employ, about?

Mr. ALBERGER: From 125 to 150 men in the foundry and machine shop. About 60 men in our foundry. I thank you.

Mr. ELKUS: Thank you, sir.

Mr. VAN ALLEN: Now, if your honors please, I have completed all the gentlemen who care to speak before this Commission this afternoon, and if you will pardon me for a few moments I would like to make some remarks with reference to what we have found in studying the conditions here in Buffalo, so that the Commission may have the benefit of a combined investigation, which we have conducted, of our own.

Mr. ELKUS: May I interrupt you a moment, to say to all of these gentlemen who have either testified or made statements, that the Commission and the counsel will be very glad to receive any additional suggestions, and what we would like are suggestions a little more concrete in their form; if you have amendments to pro-

pose to these proposed bills, let me have your amendments, as you think they ought to read, or the bill as it ought to read, and we will be very glad then to take it up and consider it. It makes it much easier and we understand just exactly what you want.

The CHAIRMAN: Now, Mr. Van Allen.

Mr. VAN ALLEN: (Resuming) At the outset I want to say on behalf of all these gentlemen that we thank the chairman and the gentlemen of the Commission, likewise, the lady, for their extreme courtesy in permitting us the latitude which we have enjoyed in conducting this hearing to-day. Ordinarily, we understand that an investigating commission of this character proceeds by having the principal questions asked through its counsel, and it gives us very little opportunity to be heard, but we all appreciate to the greatest extent the uniform courtesy which you have given us, in our bungling way, to give what testimony we have.

I want to say, in the beginning, also, that I appear here as attorney for the Retail Merchants' Association, which comprises practically all of the large department stores of the city, and also this committee which represents those manufacturers of the city who are members of the Chamber of Commerce. I also want to state specifically that I do not appear on behalf of the Chamber of Commerce, for the simple reason that that body is made up of laboring men as well as manufacturers, and therefore we do not assume to appear for them.

I believe, from the knowledge that I have of manufacturing conditions in the city of Buffalo, both as a member of their boards of directors, in some instances, and as counsel for some of them, that the serious thing that now exists with reference to these matters is the fact that the factories and the mercantile establishments have become confused. There is the Commissioner of Labor who must be reckoned with in all of these problems. Recently another department has been added to the State government in the way of a fire marshal, etc., and in addition to that, with reference to hygiene and sanitary conditions, we must obey the local health department rules and the ordinances established by the council of the city of Buffalo; so that I say, that the manufacturers and proprietors of mercantile establishments have become confused

because there are so many angles through which they can be approached on legislation of this kind, there are so many things that they must find out about, and, generally speaking, they find that they are violating this, that or the other law when it is entirely unintentional to violate any law at all. It is unquestionably true that in the city of Buffalo the manufacturers as a class are wholly in favor of, and entirely approve the proposition of ventilation, cleanliness and sanitary conditions in factories and mercantile establishments. In general they quite approve of the proposition to limit the hours of adults and to limit the hours of women and children who work. There is but one serious problem in their mind with reference to it, and that is if you change the requirement as to age between 16 and 18, what are you going to do with the boys in the meantime? That is a problem which I think this Commission should very seriously consider. But, in any event, in view of all the confusion that is in the minds of the people to-day, and in the face of the little specific things that different manufacturers, different classes of manufacturers have presented to you to-day, it leads to some suggestions which we want to make to this Commission, and we want to appeal to this Commission to find us in some way the remedy, and to apply it, in New York State, in such a way as shall be businesslike and conform to common sense.

In casting about for some suggestions to make to you, gentlemen, the first thing that has occurred to us is this: In all labor legislation, in tenement house legislation and in factory legislation, the entire tendency seems to be specific and to give all kinds of details, irrespective of whether they have a general application or not. The fixing of all these details works a great many disadvantages, not only to the State itself but to the manufacturing and the labor people as well. For instance, things that might be of tremendous importance as detailed in the city of New York, would have no application whatsoever to conditions prevailing in the city of Buffalo. Further, conditions prevailing in New York and Buffalo might have no application to suburbs, villages and towns in other portions of the State. Now, we believe that certain tendencies in legislation in the last few years have pointed out the way to this Commission to settle the problem and settle

it to the satisfaction of the business men. Several years ago the Federal Government abandoned the idea of specific legislation relating to railroads, and they established the Interstate Commerce Commission, with power to make rules and regulations, to fix rates and so forth, the idea being to get away from specific legislation and add to administrative duties, so that proper justice might be done to those who were affected. Further than that, in practically all of the larger States, railroad commissions have been appointed with the same ideas in view, to get away from specific legislation and increase the number of administrative duties, and increase also the character and the ability of the men who fill those positions, pay them proper salaries, so as to attract men of proper standing and men whose discretion would be likely to be undisputed. We have in the State of New York, for instance, a Banking Department with fairly broad discretion. We have an Insurance Department with fairly broad discretion. The Treasury Department and the Comptroller's Department are given fairly broad powers. In the case of the Commissioner of Labor exactly the opposite seems to prevail. For instance, in talking with the representative of the Commissioner of Labor in the city of Buffalo, I mentioned this fact to him, I said there might be cases where he reported a detailed violation and it turned out that it was unfair to the particular establishment he was reporting; he must report that or he violated the law himself, and the Commissioner of Labor violated the law if he did not report it, no matter how unjust it was. On the other hand, unjust, or just, as it may be, the manufacturer is a criminal. In all of those details that are established, they may apply to one industry, and may not, and may apply to one factory and may not to another. As has been pointed out to you this afternoon, there should be some distinction with reference to new factories that are to be constructed as against those that have been in use for years and have been built under building regulations that were approved at the time.

Now, another feature of this detailed legislation is this, that it leads to petty violation, and a continual, unintentional violation, for which the manufacturer ought not to receive the full punishment. The representative of the Commissioner of Labor

with whom I talked, told me that his greatest trouble in the city of Buffalo arose over the small details where he had no discretion, but had to be fair or unfair as the case might be.

MR. ELKUS: Mr. Van Allen, do you mind my interrupting you a moment? I will wait until you are through if you prefer?

MR. VAN ALLEN: I should prefer to have you wait, if you do not mind.

MR. ELKUS: Surely, I will wait.

MR. VAN ALLEN: The proposed salary for the Commissioner of Labor and his deputies ought to be sufficient to attract men of ability. We think that salary should be made commensurate with the responsibilities of that position. However, in the organization of that bureau, we have these suggestions. We quite approve of the establishment of a branch office in the city of New York and a branch office in the city of Buffalo, although the branch office in the city of New York, in my opinion, should include the counties of Long Island, and also such other counties of which New York forms a part, Westchester, for instance, being one of them. That, as I understand it, constitutes your first inspection district. All of the balance of the State constitutes the second inspection district. It may be that it would be wise to establish at least one other inspection district and give the Buffalo branch office jurisdiction from Syracuse west; and another inspection district, from Syracuse east; and it is not only the geographical location, but it is the convenience of train service. There is a very convenient way for people in northern and southern New York to go east, but it is not so convenient to come west, so that perhaps another inspection district from Syracuse east would be necessary.

Another proposition in connection with the organization of the bureau, that has occurred to us, is this. The legal representative of the State of New York is the Attorney-General. I do not consider that it is necessary or proper that Counsel should be assigned to different departments. I believe the attitude of the present Attorney-General to be absolutely correct in that respect, that for uniformity of opinions the legal work of the State of

New York should be centered in the office of the Attorney-General. He maintains a branch, I believe, in the city of New York, and he has a representative in the city of Buffalo and in other places, and it occurs to me that that feature could be well eliminated in such a way that the legal work would be centralized.

Now, coming down to a definite suggestion, we believe that the legislature should provide the general principles upon which we are to work, that they should adopt certain standards which should be placed in that legislation, and, further, that they should either place a Commissioner of Labor at the head, or a body of more than one person. I believe the labor people, the unions, prefer that the discretion should not be placed in one man, and with that idea we are in entire accord. What we need is this, a body which can take the general principles which have been established by the legislature, that is to say, along the line that there shall not be more than so many hours a week and so forth, and that factories shall be sanitary, properly ventilated and all that sort of thing, and then give to this Board, or this Commissioner, whichever you see fit to make it, the power to apply those principles in all of these specific instances, giving the manufacturer opportunity to be heard on the application of the principles to his particular factory. Now, you can add to that, if you feel so disposed, the power to summarily call in that manufacturer and punish him for the violation of the rules and regulations that are adopted. Another feature is that if you had such a board as that, such a thing would not be possible as exists in your present proposed legislation, and that is to place mercantile establishments in the same category as factories. For instance, if the mercantile establishments in the city of Buffalo should comply with the rules and regulations relating to them, they might also have to comply with all the rules and regulations and proposed legislation relating to factories. They all, practically, constitute, under this legislation, a factory, because they manufacture fabrics into some kind of salable goods. They may manufacture rugs or they may manufacture dresses or other things in connection with their department stores, but they ought not to be classed as a factory, because the situation is totally different.

The mercantile establishments also complain of this provision, that a woman shall not work beyond a certain number of hours a

day, and it apparently puts the burden upon the employer to find out whether the woman has worked with somebody else before she approaches this mercantile establishment for a job. We think that part of that punishment should fall upon somebody else.

Now, another thing. I do not know why in all of this legislation referring to factories it should have been considered necessary to make the violations all a crime. I believe that in certain cases that is all right, I believe that a gross violation of the law and of your rules and regulations should be punished as a crime, but I think in the matter of detail the Commission which you establish should provide its own way of punishing for that by civil remedy or by punishment in another way. I think a violation of the orders of the Commission, for instance, can be punishable by a fine, but let us not make criminals of reputable men in a community who are unable to pick out of all of this confused legislation the details and apply them to their own factories, when they cannot do it and have it conform to business sense and to the advice which they are securing. One other way in which you could eliminate the confusion which is now existing in the minds of proprietors of mercantile establishments and manufacturing industries, is to connect up the medical department of your Commission with the local health department in places that are of sufficient size to have a well-organized health department. This might not apply to towns and villages, because they do not have a well-regulated health department, but in cities like Buffalo there should be no confusion which will necessarily result from the arrangement of a medical inspection in the Commissioner of Labor's office, and the inspection, and the annoyance that is bound to result, from the local board of health. Whatever is proper to be done should be done from one direction, so that they know what they are doing and what is expected of them.

In providing this legislation would not it be well, Mr. Chairman, to consider other legislation that has heretofore been passed and its application to these proposed bills, and when you propose a bill for enactment by the legislature, have it consistent with all other provisions that are now existing, so that you do not add further to our confusion, so that you give us an opportunity to be

heard on questions of changing a factory or changing a mercantile establishment, because I fear that in many instances, unless that is done, the result of the legislation will amount to practically a confiscation of property. You have heard from the men here how differently it applies to their respective business. They want an opportunity to do business and to do business right. Give them something business like, give them something sensible, give them something that they can work under, and give them an opportunity to be heard; and, we say, with you, limit the hours of labor for adults, restrict the methods under which females may be employed either in manufacturing or mercantile establishments, and restrict what may be done with children, but give us something business like and give us something that we can work under, and when you have done that you will have accomplished more than all labor legislation, factory legislation and tenement house legislation has accomplished up to the present time.

We thank you for your kind attention.

MR. ELKUS: I think, Mr. Chairman, that many of the suggestions which have been made by the counsel are being taken care of in the bill for the reorganization of the labor department, which provides for the creation of an advisory board, of which the Labor Commissioner shall be one, and which will have the power to make rules and regulations which will remove many of these smaller details, but these details, as I have stated, were put in the form of bills. They are simply suggested. They were put in the form of separate bills so as to provoke and invite the discussion which they have had and so that we may know the views of all people of all kinds, and in all kinds of business, upon these concrete questions. There has been, however, as you know, a great difference of opinion as to whether discretion should be vested in a board or whether it should be —

THE CHAIRMAN: Manufacturers who appeared before us in Albany took the contrary view, that we should not give too much discretionary power to this advisory board, if you remember; so that that is contrary to your advice. We are rather inclined toward your view on that proposition.

Mr. VAN ALLEN: Yes. For instance, I believe that this list of proposed bills would do very well as suggestive rules and regulations in a great many cases, where we might have that discussion, and I think this discussion will be valuable in that direction.

Mr. ELKUS: The probable outcome will be a compromise in this way, that legislation will provide for minimum standards, with power to the advisory board, or board of control, to enact into rules the details. Now, there are a number of gentlemen who still wish to be heard, Mr. Chairman, representatives of the labor unions.

The CHAIRMAN: Do you want to say anything else, Mr. Van Allen?

Mr. VAN ALLEN: I asked Mr. Elkus to permit me to finish before asking me some questions, and I omitted to call his attention to it.

Mr. ELKUS: I think it won't be necessary. I think the facts have been pretty well covered.

Mr. ELKUS: Does any representative of the labor unions desire to be heard? Mr. Sause? James G. Sause, business agent, Subordinate Lodge 125, International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America, of Dunkirk, New York. That is right, is it?

Mr. SAUSE: Yes, sir. I would like to call the attention of this Commission to the use of these pneumatic air hammers that are in general use throughout the State, particularly in boiler shops, and the effect that the continuous operation of these guns has on the operator. I believe the best way to put it before you would be to describe the gun. It is a machine about two and one-half or three feet long, shaped like a cylinder, with a handle in the end. I would say that the entire gun resembles a large automatic revolver a good deal, and it is operated by air pressure, at a pressure of from 125 to 200 pounds, and weighs in the neighborhood of about 25 to 40 pounds. Then, added to that weight, is a steel-bound rubber hose connected with this gun, that the operator has to carry and drag about with him and lift up to do his work.

The CHAIRMAN: What is that used for?

Mr. SAUSE: The driving of rivets, radial stay bolts and stay bolts for any old stuff that riveting is done on. A stay bolt is cold steel, rivets are hot. When these guns were first introduced a few years ago, they were used principally for driving rivets, and it was only the last year or two that they began to use them on cold steel work, and they always used two men in operating these guns, and because these operators relieved each other, spelled each other off in resisting the recoil of this 150/200-pound pressure, there was not any particularly ill effect on the employee. But within the last year or so some of the employers have discovered that one man could operate these guns, could hold the gun, support the weight and resist the recoil of this pressure; and consequently in some shops in the State they are compelling one man to use these guns. Well, almost invariably, the employer starts a campaign of elimination, I would call it, to find men that are big enough and strong enough to do this work. I know of one plant where, with about a dozen of these guns that are in operation now, they have in the last six or eight months tried out from 50 to 100 or 125 men to find 7 that could do it. Out of those 7—I believe that is the number, I am not confident, it might be between 6 and 12 some place—out of these I know of only 2 that have lasted more than three months. Some of them last a week. I have affidavits here from a man that worked at it five hours, I believe it is, and one man, the fellow that worked at it longest, worked on it ten days, and then he had to give up. But there are some big, husky giants of men that can do this work for a period of from three months—one fellow has done it for six or eight months—but if you had seen him a year ago and saw him to-day, you would admit that he cannot last much longer.

The CHAIRMAN: In what way has this a detrimental effect?

Mr. SAUSE: The vibration of this gun, understand, 180 pounds' pressure, jammed against cold steel. You see, the man has to support the weight of the gun and then resist its recoil. It tears him all to pieces, and the effect is, I have a physician's affidavit here which calls it, "occupational neuritis."

Mr. ELKUS: What do you suggest should be done about it?

Mr. SAUSE: My suggestion is for this Commission in some way --- there is to be a bill introduced in the next session of the Legislature asking, particularly on cold work, that two men should be employed, as they do in union shops. All union shops have two men. It is only in these open shops, where the men haven't any opportunity to get any consideration, that one man is used. Two men could be used, it would be no injustice to the employer, because one man will do the work of ten ordinary boilermakers with these guns, and it would be no particular expense to the company.

The CHAIRMAN: Are most of the shops union shops?

Mr. SAUSE: No, not in the State of New York, they are not. Very few of the shops are union shops in the State of New York. Here is the effect on one man. "He has worked for a period of thirteen years as a boilermaker. He was employed in a steady job as boilermaker, engaged on stay-bolt work. Was in good health and sound physical condition and weighed 182 pounds." This is March 28th. "That since assuming the work with the pneumatic riveter he felt a sudden cramping of the muscles of the hands and forearms, with pains about the chest. At night, on attempting to sleep, suffered severe pains in the hand and forearm, with swelling of both hands." Further swears has lost his appetite almost entirely. After working a week felt dizzy on attempting to bend over. Owing to his physical condition, was obliged to give up work at the end of two weeks, and weighed but 167 pounds.

Here is another man that worked fourteen years. This man, under the Taylor system of scientific management --- there were 4 boilermakers out of 182, I believe, that were 100 per cent. efficient, understand. This man was one of those. He is sober and industrious, and after one hour's work at the pneumatic stay-bolt riveter experienced a change in his physical condition, which condition is briefly described as follows: He suffered from cramped muscles of the forearm and so on, the same general effect as the other man. "Deponent further swears that after the first

day's work he suddenly complained of pains in the hands, forearm and upper arm and accompanied by sharp cramping pains. It was difficult at times to extend the arm full. On retiring, the cramping pains in the arm would become very severe and decidedly interfere with rest and sleep. On the second day began to feel dizzy and stagger like an intoxicated man. After the sixth day his services were dispensed with on account of lack of work, and the following day dizziness or staggering disappeared, but cramping and pain continued about two weeks." That was last February and that man has never recovered.

The CHAIRMAN: What year?

Mr. SAUSE: 1912.

Mr. A. W. GRAY of Niagara Falls: I would like to ask the gentleman if they do not use counterweights to take up this recoil?

Mr. SAUSE: They do when it is practical, but a man has got to drive those stay bolts from every angle and he has not got a chance to use the counterweights or anything under the most part of the work.

Mr. GRAY: Where counterweights can be used --

Mr. SAUSE: They use them.

Mr. GRAY: Then one man is as good as two?

Mr. SAUSE: No. In warm work, hot work, one man perhaps can do the work, but on this cold work you have got to hold the muzzle of that gun to the cold stay bolt, understand. There is a round tight --

Mr. ELKUS: What wages do these men get who use this pneumatic riveter?

Mr. SAUSE: Twenty-five or twenty-six cents an hour, I believe.

Mr. ELKUS: Work ten hours a day?

Mr. SAUSE: Ten hours a day. One man cannot hold that gun and resist the recoil backwards, because he cannot get the right level. As soon as that pressure is released the gun dances around

and shakes him all up. Them tools click together like castanets and the jar tears you all to pieces.

The CHAIRMAN: Did you ever try to use it?

Mr. SAUSE: For forty-eight seconds, under the Taylor system, and then I quit. These men, after the day's work is done, they go home. Their muscles are so cramped and contracted that I have seen them lie on the floor and groan, roll about and try to stretch on the floor. A fellow who was married and had several children that slept with him one night, those muscles contracted so in his sleep, and he rolled and tossed and cramped so, that he hit the kid, and after that he was afraid. Used to sleep on the couch in the sitting room — they were all foreigners, understand — for fear that he would hurt one of the family in bed. Those fellows work at \$2.40, I think is the standard rate. Some earn more under the piecework system, but the standard rate is twenty-four cents an hour. It is impossible for these men to continue this work any length of time, consequently there is lost time, so even if they do make a big rate of wages, it does not average any more than twenty-four cents an hour, I believe, as a whole; and my only suggestion, the only thing I can ask or would suggest or could suggest, is that some notice be given to this bill introduced by Assemblyman Sullivan in the next Legislature, making it compulsory on these employers, anyhow when they are working on cold work, that they put two men on these guns.

The CHAIRMAN: You would like to have the endorsement of this Commission?

Mr. SAUSE: Yes, sir.

Mr. ELKUS: Is there any other member of the National Moulders' Union that desires to be heard?

Mr. J. W. HARRIS, BUFFALO: I represent the moulders of Buffalo. I would just like to make a few remarks in regard to conditions in the shops in Buffalo, and after listening to the questions from both sides this afternoon, in regard to a foundry condition that was not touched upon, that affects the moulder and the coremaker more in general than do the fumes and the things

connected with the core-rooms, and that is the open salamanders in a shop in the winter time, and also the process they use for drying the ladles. We find in most all shops throughout the city and country that they have a system of drying ladles that when they put the mould in they have to thoroughly dry them in the shops in order that they can put the iron in them, but they dry these ladles in open fires. In our shops, right in the open shop, and through the day we have to inhale all that smoke. Anybody that is connected with a shop of that kind realizes what that means to a man in the winter season. It means when he leaves those shops and goes home nights his eyes are in a condition that he is not able to read or do anything else. He goes home at night, sits down to read his paper, and the consequence is he is only reading a few minutes when he has to drop the paper, go on the couch and lie down and take a rest. The effect of the gases and the smoke from those things causes all that.

And in regard to the condition of the foundry in general, we find that our conditions are most deplorable in most of our shops throughout the country. After listening to some of the gentlemen in connection with some of the foundries, they were selected as some of the best shops as far as conditions is concerned in respect to sanitary conditions, but we have lots of other shops that are not in sanitary condition, or not in condition for a man to work in through the winter season or any season of the year. That is one reason we are here in regard to taking up this question. We would like to see the laws gotten up in these respects more stringently enforced. We find that there are laws on our statute books in regard to those things, that have not been enforced properly. Our inspectors go around the shops, they inspect them and that is the end of it. The conditions are not remedied. We would like those things to be discussed carefully in regard to those matters.

Now, in regard to the coremakers, girls in the shops, I would like to say this, that we as mechanics in that line of business are utterly opposed to the women being in use in our business. We feel it is an undesirable place for women to be in. We also feel it is taking the stepping-stone away from the boys that step into the shop to learn his trade, because virtually they are taking the

work away that the boy first starts on when he goes in a moulding shop in a core-room to learn his occupation by which he expects to make his living. Therefore, we think that that is one reason why the girl or the women should be eliminated from the foundry. It is all very well to get up here, lots of us, and paint these nice pictures, where they have nice sanitary conditions, where the work is nice and clean, for them, but anybody that is connected with the foundry business, that has been for the years that some of us have been, knows well that those conditions do not exist in foundries. It is almost impossible to have those conditions around those places. One gentleman, in all due faith in regard to his shop, probably, was doing the best he could, he illustrated to this body to-day. I believe in regard to his core oven, he illustrated to this body that the receiving was done in one part of the shop and the delivering in the other part of the shop. Well, that might be all well, but anybody that is connected with the foundry business knows that the minute that door is opened, no matter which end, the fumes are going to get out, because in the construction of a core they keep all the heat in there that it is possible to keep in, and the chimneys they have at a core oven, at any time, do not amount to over two feet in diameter. We all know that that is not sufficient to carry it away. They have got to have the heat in there.

But that is not the main reason of our coming before this Commission to-day. We wish this Commission, in their deliberations or in their carrying out of these things, to have better inspection of the foundries throughout this country.

MR. ELKUS: May I interrupt you a minute, Mr. Harris? It has been stated here by some of the foundry men that the workmen, moulders, do not want to use the showers and rooms provided for them. What can you tell us about that?

MR. HARRIS: I cannot say in regard to that. We all know that there is a certain element that do not want anything in that regard. The sooner they can get out of the shop the better they like it. One reason in connection with that, I believe, is this, that a good many of our men working in the shops are all tired out. Anybody connected with the foundry business knows

when a man gets through with his day's work in a foundry, the latter part of the day's work is the hardest part, he has to carry that hot ladle, or has to handle it, and has to pour it off, then probably has to go and shake a lot of large boxes out, and is all sweated up and tired out. Sooner than to bother taking his wet clothes off — he lives only a short distance from the shop — he will go home and keep warm in those clothes while going home more than he would in the shop and taking them off.

Mr. PARKER: The man that made that statement about shower baths — that don't happen with any of our moulders. He is unfair to organized labor. We do not have our men in there. That is why we are not taking advantage of it, because we are not there.

Mr. HARRIS: I could answer those questions, too, but in my position before the board at the present time, I do not think it is policy to take that question up, but nevertheless we only find there are one or two shops in our jurisdiction here that is in that condition. As far as sanitary conditions are concerned, I had the honor, or pleasure, at one time of working in the shop that the gentleman speaks of, where he has his shower baths and his toilet and wash bowls and all connected, but I want to say one thing in regard to that. They have what they called at that time the "sanitary clothes press," I believe it was, built of iron, an iron case, and I know that when I used to change my clothes there, before I got home I was pretty near as black as before I left the shop, because the cage was all paint where the clothes were kept, and when the man cleans up that room or sweeps those places, there is nothing to protect a man's clothes, and he might pretty near as well go home in his shop clothes as change them, although they call it a "sanitary clothes press."

I don't know as I have anything else to say in regard to the matter, only that if the laws were lived up to I think we would have better conditions in the foundries. But as I said before, we have those shops in those conditions, and some of the gentlemen here to-day speaking on this matter, I will admit that their shop is in fair condition in that line, and I will admit that there is a certain amount of smoke and gas that it will be almost impossible to eliminate in the foundry line, but there is a certain

amount there that can be eliminated and ought to be. As I say about these fires being built through the shop, most of our foundries to-day, in the winter time, the only heat the moulder gets is, half of them if he goes and gets a fire, picks up a pot of his own and builds a fire. There is no smokestack. You have gases and fumes to inhale all through the winter months. These open fires where they dry the ladles, as I say, as sometimes probably twelve or fourteen feet long and four or five feet wide. They will come in there, dry those ladles, perhaps half a cord of wood all told, that is lit up and that goes through the shops in the winter time, and it cannot get out and we have all that to contend with. That is one of the biggest faults in the foundry.

Then, in the core-rooms, we find in lots of places, especially where they are drying cores at all times, their building is built in such a condition that the gases and smoke are unable to get out. I was in one no later than last week. When I went into it during the working hours through the day, I was hardly able to see the man I was looking for, and the only thing in that shop, it would be almost impossible to prevent it so far as the work is concerned, unless they put in a suction fan or something of that kind, but those things they do not seem to want to do. While lots of people say their heart is with the working man, and tell how they are fitted up, I want to say to this Commission that the last thing they think about is the moulder in the foundry.

Mr. VAN ALLEN: Mr. Harris, will you permit me to ask you a couple of questions?

Mr. ELKUS: Have you any objection?

Mr. HARRIS: No, if I am able to answer them.

Mr. VAN ALLEN: How many years have you been a moulder?

Mr. HARRIS: Twenty-eight.

Mr. VAN ALLEN: Have you worked in several different foundries so that you can speak from the knowledge you have gained from those different foundries?

Mr. HARRIS: Yes, I have worked all over.

Mr. VAN ALLEN: Do you think, as a practical moulder, that you could devise any rules or regulations that could be at once applicable to every one of those foundries, or do you think it would be better if some way could be devised that a person could go into a foundry and say that such and such things ought to be done to make it sanitary and to remove the gases and smoke, and then compel the manufacturers to do it?

Mr. HARRIS: Do I think it could be done?

Commissioner PHILLIPS: Do you think it could be done, yes?

Mr. HARRIS: Yes, I do think that.

Commissioner PHILLIPS: That is, give the power to an administrative board to govern the various conditions in foundries?

Mr. HARRIS: I do not see why it cannot.

Mr. VAN ALLEN: I am asking you as a practical man whether you do not think that would be a better way to meet the situation, for the simple reason that every foundry you have been in there has been something different, hasn't there?

Mr. HARRIS: Yes.

Mr. VAN ALLEN: So that any one general rule would not hit the whole crowd of them, would it?

Mr. HARRIS: Well, to a certain extent it would.

Mr. VAN ALLEN: On general principles, it would?

Mr. HARRIS: Cover it on general principles, because, as near as I understand the aim and object of this board —

Mr. ELKUS: Would you leave it to an inspector of the Labor Department to indicate to each individual what should be done? Would you put such a discretion in one inspector?

Mr. HARRIS: No, I cannot see it that way.

Commissioner PHILLIPS: Would you feel that an advisory board of the Department of Labor might have power to take up each industry, for instance, founders and moulders, and make rules and regulations for each different class of foundries in the

State, so that they really would not touch a foundry that really oughtn't to apply it, but would touch the fellow who deserved it?

Mr. HARRIS: Yes, to a certain extent I believe that would work out all right.

Mr. VAN ALLEN: You say most of the men produce at fairly ideal conditions. The men you are after, I take it, are the men who do not provide good accommodations for you. Now, it will be practicable, will it not, that the inspector should be required to report on all conditions he finds in a factory, and that then this board should make such an order as was necessary to compel the manufacturer to do what was required? That would be practicable, don't you think?

Mr. HARRIS: It might be practicable and then again they might not be able to carry it out. Might not be enough back of it to carry it out and would not be any use.

Mr. VAN ALLEN: I mean, assuming there was enough power behind it?

Mr. HARRIS: If they had enough power behind it to carry it out, it might be practicable.

Commissioner PHILLIPS: You have in every city some employers who have conditions provided, that are almost ideal?

Mr. HARRIS: To a certain extent, yes.

Commissioner PHILLIPS: Now, those men ought to get whatever benefit comes from that. That they have a good foundry or a good factory, and then try to reach the other fellow through an administrative board by rules and regulations?

Mr. HARRIS: Yes, that might work.

Commissioner PHILLIPS: Give the good man the benefit of what he is doing and not class him with the fellows who are not doing right?

Mr. HARRIS: Well, the only way I could look at that would be this, that as far as I understand this Commission, their purpose is to enact laws to govern all factories, and while to do it

one way it would be showing partiality to a certain extent and would not be able to reach it in that way, and they might say the moulder, when it come to the final show down, that the moulder was trying to squeeze some certain one form in order to fetch it about in doing that; they might send in grievances, the way I look at it, to some certain foundry that was not in good condition, that they had a spite against, and it would not be in the right power then.

Commissioner PHILLIPS: You are quite right, there is always danger of giving discretion to somebody, but if we do not do that we run into dangers in other ways. We do not go in close enough to hit the really bad thing that ought to be hit.

Commissioner JACKSON: Are you familiar with this foundry bill?

Mr. HARRIS: Yes.

Commissioner JACKSON: Do you think that if that was in force it would do away with the conditions you have criticized?

Mr. HARRIS: Yes, if it was carried out I believe it would.

Commissioner PHILLIPS: I take it from what you said that you feel that the real distinction between the women and the men in industry is that the man goes to work for his life work, he expects to make a life contract for the woman that is going to make a home for him and his family, while the woman goes into industry temporarily and until she makes a contract for life with the man that is to make her a home; the man has a permanent position in view and the woman is doing it temporarily, and you don't want that temporary work to interfere with the life work which is to be the support of the man and his family?

Mr. HARRIS: It has a tendency in my estimation to lower the wage and also more or less the power of the workman.

Mr. ELKUS: Wouldn't that be true of every business in which women work?

Mr. HARRIS: It might to a certain extent.

Mr. CHAIRMAN: I understood your principal objection was that the foundry was not a proper place to work because of the unsanitary condition.

Mr. HARRIS: It is to a certain extent, but I would also say this, I have said it before, that I believe it is no place for a woman at all, in a foundry, or amongst a foundry, because it is a place that has always been given to the men and boys in order to make a livelihood of it. Of course, so far as it reaches a certain point you couldn't be strict.

Inspector JORDAN: I would like to ask the gentleman if he has ever made any complaint in regard to these foundries that he speaks of.

Mr. HARRIS: Have we made any complaints?

Inspector JORDAN: Have you made any complaints to the Labor Department?

Mr. HARRIS: Not of late.

Inspector JORDAN: You never have?

Mr. HARRIS: Not of late. For instance, there might have been some made before my time in this position.

Inspector JORDAN: Well, I have solicited complaints and we are soliciting them right along, and I will see that they are looked into. Furthermore, we have foundries now that are making improvements that you speak of that should be made, to take away the dust and gases. We have orders placed on them and we are working on those orders at the present time.

Mr. ELKUS: Is there any other member of the moulders' union who desires to be heard?

Mr. MCINTYRE: I am here representing the Central Labor Union. As I said before I am talking not only for moulders, but coremakers, and every other organization connected with the Central Labor Union of Lancaster and Depew. They sent me in to take this matter up with the Commission. In my opinion foundry conditions throughout the country are getting down

where they need some legislation to get the men out of it. In the first place, any men sitting here listening to the foundries as I did all day, in the first place the evidence of the doctors, the medical health officer here, giving his opinion on the condition of the children of workable age, the condition of children that refused to go to work, were not in condition to go to work — what brings on this condition is the condition of their fathers and mothers in the factory, that brought these children into the world. That has caused those children to be in this condition. You know as well as I do, I am a man of considerable age — that those conditions did not prevail before the factory conditions changed as they are to-day. I can remember the time when a man would go to work in a factory and belong to several athletic societies, and after the day's work was done go out and exercise with dumb bells and putting a heavy stone, and all those games, and you know how much they do it to-day. When the factory work has been done he goes home, he is dead, almost, until the next morning, the majority of them. Factory conditions have got so that it is almost impossible for a man to be in his natural health unless he takes extremely good care of himself, to be a healthy man and work in the majority of factories to-day, because the foreign element has come in and their cheap labor has come and factory men have taken advantage of it and forced these conditions upon the workmen and the other men have got to compete with them; and if the country is going to depend upon the future generation to fight for their country, they have got to give legislation in the factories that will make men out of the future generation that is coming; for conditions are in a deplorable state. A number of foundries I will say are in good condition. As regards shower baths in foundries, I have been in a number of foundries where there are shower baths and I will say that I never did see them used to any great extent, because when a man gets through with his day's work he is anxious to get home. Washrooms are all right, I have seen them in union shops where the shower baths were used, and I will say that the men don't take any more interest in the shower baths because they are mostly always anxious to get home to their families by the time they stop. They don't usually give them their time in working

hours to do it. By the time they stop, after the work of the day, the time it would take for a bath and to change their clothes and that they won't throw away that half hour it will take, if they mean the care they usually take and so on and be late getting home.

The CHAIRMAN: Don't you think if they were informed of the benefit to their health, from taking that bath, in preserving their life and health, they might take a bath in the evening?

Mr. MCINTYRE: Those that feel that way, Mr. Chairman, they feel like taking a bath after they have a rest at home. I know I do. I generally go home and get my old foundry duds off and if I feel like taking a bath then is the time I take it and roll in. But there are other conditions in the foundry that could be improved. As I say, there are a number of foundry men that are keeping the foundries right, I will say that. And the main objection to-day, looking at the industrial part of it — I have heard parties say here on the floor they had salamanders and there was no way they could get rid of the smoke, and they had to use them, and the building wasn't high enough and couldn't get rid of that, no way of getting rid of the smoke. Now I worked in a foundry where they used salamanders altogether, not smoke. And this foundry had a tunnel along under the foundry, a brick tunnel with a stack outside. These salamanders had a cover, a pipe goes up, comes down and connects with this tunnel, a chimney outside takes the draft. They had salamanders there, no room for stoves, nothing to bother, no more than the ordinary salamanders sitting there. But of course their expense — you will find that the trouble all the way through is the little expense — but when it comes along one man has to have it and the other has to have it, they all compete together. I don't see why they should object to it. One man has the same competition as the other man has.

Mr. VAN ALLEN: Would you permit me a question?

Mr. MCINTYRE: Yes, sir.

Mr. VAN ALLEN: Don't you think a large part of that criticism of expense arises from the fact that they may be requested

to do things that would not particularly apply to their foundry because the legislation is too much along one point? You have worked in several foundries and the condition was different in each one. Now, it may be, and I would like to ask you as a practical man, whether it is so or not, it may be that the criticism of expense arises largely from the fact that in some cases the expense is unjust in that particular factory because they have conditions that make it all right.

MR. MCINTYRE: Well, if they have conditions that make it all right I don't see why they should change it.

MR. VAN ALLEN: Yes, but I say the greatest criticism as to expense arises in some places where it seems unnecessary. In cases where it is a necessary thing for the protection of the men, you know, as a practical man, you get more work when the men are in good condition.

MR. MCINTYRE: Certainly. That is what I say here should be, yes. But the man don't seem to look at it that way, the employer. If it is a piece of machinery they are very careful to have it kept in good condition to get the work out of it, but the man doesn't cost anything to replace, he is dead, he is gone.

MR. VAN ALLEN: How long have you been a moulder?

MR. MCINTYRE: I have been a moulder thirty odd years.

MR. VAN ALLEN: So you are generally familiar with the conditions in factories?

MR. MCINTYRE: Yes.

MR. VAN ALLEN: Don't you think some elasticity in the way of going into the factory and examining and seeing what things are necessary to put it in proper condition, would be the way to get at this thing?

MR. MCINTYRE: Why, certainly. They should have competent men. Another thing I was going to suggest to this Commission before I got through —

MR. ELKUS: Do you favor the passage of this foundry bill? Do you want this bill made a law, this foundry bill?

Mr. McINTYRE: I am in favor of it, yes.

Mr. ELKUS: Or don't you want it?

Mr. McINTYRE: Which bill do you mean?

Mr. ELKUS: The bill that is proposed here.

Mr. McINTYRE: For the coremakers?

Mr. ELKUS: Yes, No. 17, known as the foundry bill.

Mr. McINTYRE: There are lots of things in that bill that are all right, yes.

Mr. ELKUS: You have just answered a question so that this gentleman will say you don't want the bill passed. Did you mean that?

Mr. VAN ALLEN: I don't quite mean that, Mr. Elkus.

Mr. ELKUS: Just a minute. You want the bill made stronger? You want women prohibited from working in foundries?

Mr. McINTYRE: I ain't in favor of women working in foundries.

Mr. ELKUS: You say you want that prohibited.

Mr. McINTYRE: I would be in favor of prohibiting it, entirely, yes.

Mr. ELKUS: But otherwise the bill that is now before the Commission for discussion, you want passed and made a law, don't you?

Mr. McINTYRE: But there was one thing I was going to say, this bill is all right, but in appointing factory inspectors the Civil Service I don't think is right.

Mr. ELKUS: That is not in this bill.

Mr. McINTYRE: No.

Mr. ELKUS: You don't want the Civil Service Law for factory inspectors?

Mr. McINTYRE: I think they should appoint practical men to inspect factories. We have men come out to the factory where I work and look through and go away and everything is all right, where a practical man in a factory would know it was not all right.

Mr. VAN ALLEN: Would you have some examination conducted of these men who were to act as inspectors, on questions along practical lines to determine whether they were competent or not?

Mr. McINTYRE: Certainly.

Mr. VAN ALLEN: That is of course, the purpose of civil service, whether it always works out properly or not.

Mr. McINTYRE: A civil service examination, those men appointed on the factory inspection, they haven't the practical knowledge of factory work.

Mr. ELKUS: Well, don't go into the merits or demerits of civil service or we will be here all night.

Mr. VAN ALLEN: Mr. McIntyre says he favors the civil service examination along practical lines in order to determine their competency.

Mr. ELKUS: Does any other member of a labor union want to be heard?

CHARLES H. STEVENS: I represent the Cigar Makers' Union of Buffalo. Mr. Chairman and Members of the Commission, I read carefully the proposed bills, and so far as I am concerned, haven't any fault to find with any of them; but there is one thing that I don't believe goes quite far enough, and that is pertaining to the labor of girls and women. I am absolutely opposed to the employment of girls or women in factories.

Mr. ELKUS: All factories?

Mr. STEVENS: Yes, all factories. The place for girls and women, especially young girls, is fitting themselves for a great duty in this world.

Mr. ELKUS: You realize that there are 400,000 women employed in factories in this State?

Mr. STEVENS: Yes, sir.

FREDERICK CHORMANN of Niagara Falls: Are you opposed to women sitting on commissions?

Mr. STEVENS: Well, no, I am not.

The CHAIRMAN: Well now, let us not go into that. This is not a trivial matter.

Mr. STEVENS: One of the greatest evils that confronts this country to-day is the employment of women, girls and children, and especially children. The law should be made more stringent if we are going to allow girls and children to be employed; the age limit by law should be raised to at least 16 years. We have a sample here in Buffalo to-day of a concern that has come into this city employing little girls just above the age limit required by law, 14 years. They are not teaching them anything. They are supposed to be teaching them to make cigars. They have got a machine that breaks the bunch. One girl rolls with her right hand all the time, puts the wrapper on. The other girl rolls with her left hand. They pay them \$2 a week.

Mr. ELKUS: How many children of that age are employed?

Mr. STEVENS: Well, they are just starting, but I judge they have got about twenty.

Mr. ELKUS: That is a very unhealthy job for children.

Mr. STEVENS: About 60 per cent. of the cigar makers die of tuberculosis.

Mr. ELKUS: You heard one of the gentlemen say here that it was necessary to employ these people, or even men under 18.

Mr. STEVENS: Yes, to keep them out of a penitentiary.

Mr. ELKUS: Yes.

Mr. STEVENS: Well, I will tell you, if things keep on in this strain, some of these men will have to go to the penitentiary to

find a home. It is a great deal better that children should go to school until they are 18 or 19 years old, than to be forced into factories, working to the detriment of men who have got families, and I do not believe there is any well-meaning man that has got the interest of the community or his country at heart, but what will agree with what I say. What is going to become of the different occupations? Men who have worked practically all of their lifetime, men who can make from the raw material a finished article?

MR. ELKUS: Is it not the trouble, though, that modern machinery has done so much that it has cut down the amount of labor so that it requires very little skill now in a good many trades?

MR. STEVENS: They have got a machine out in this factory operated by a little girl 16 years of age, they pay her \$4 a week, the machine is capable of turning out ten thousand bunches in nine hours.

MR. ELKUS: How would you remedy that condition? You could not prohibit them from using the machine.

MR. STEVENS: I am not finding any fault with the machine. But they are using the machine against the man and the child, the machine and the child against the man with the family.

MR. ELKUS: Your point is, they ought to employ a man to run that machine?

MR. STEVENS: Yes, and employ men in the factory instead of girls and women. It is a shame to take a little girl that high (indicating) and put her into an unhealthy occupation for \$2 a week. These people operate a large factory in Detroit.

MR. ELKUS: Well, they give the rest to charity.

MR. STEVENS: That is no joke. They could hire little girls for \$2 a week and give a couple hundred dollars to charity. These things are making radical men out of good honest conservative citizens, just such things as that. I am no Socialist, opposed to the socialistic idea, but that factory that has started

out there will make more Socialists than all of the other things combined. When a man sees little children utilized against the interests of the man who is trying to do the best he can, it is going to start him thinking. That is all that I have got to offer, Mr. Chairman.

The CHAIRMAN: Thank you.

Mr. ELKUS: Thank you. Any other member of a labor union that desires to be heard?

Mr. JOHN R. SHILLADY: I am representing the committee of the trades union section of the tuberculosis organization. I am secretary of the Association, but not speaking for the board of directors or any members of the General Association, but for the trades union section, which consists of 73 unions affiliated with the general organization.

The twenty-five tentative bills submitted to the New York State Factory Commission and by them presented for consideration to people of the State interested, have been considered by the executive committee of the trades union section of the Buffalo Association for the Relief and Control of Tuberculosis, and have been discussed at a regular meeting of the section, excepting bills No. 1 to No. 5, and including bills to number 23C.

The trades union section of the Association for the Relief and Control of Tuberculosis consists of 73 regular affiliated unions, paying dues and electing delegates to meet monthly for the purpose of considering ways and means of carrying on an effective campaign against tuberculosis. At the meeting of November 24, 1912, a resolution was passed approving the provisions in spirit and intent of all of these bills, and appointing a committee consisting of: John C. Johnston, Cigar Makers' No. 2; Geo. C. Hughes, International Association of Stationary Engineers No. 16; Hugh Wallace, Typographical Union No. 9; Chas. Buchholz, Cigar Makers' No. 2; Chas. A. Grimm, Painters' Union No. 43, to appear before this Commission. As Executive Secretary, I am requested to present the views of the Committee for the consideration of your Commission.

Speaking of the bills as a whole, we are of the opinion that the proposed legislation is the most progressive attempt to secure an

adequate method of supervising conditions affecting health, and safety, that has been proposed in this country. With bills Nos. 6, 7 and 8, which have to do with the reorganization of the Department of Labor, the section is in accord in the main.

It does not express itself as to the amendment increasing the salary of the Commissioner of Labor to \$15,000. Many of the members believe this amount excessive but believe this is one of the details that could be left to the Commission and the Legislature.

The section approves heartily the amendment on page 7 of bill No. 6 providing that there shall be not less than 125 factory inspectors, at least 25 of whom shall be women, instead of not more than 125, as is provided by the laws at present in force.

The section did not, by resolution, express itself on the point of giving the Commissioner of Labor power to remove these inspectors at any time. The present law gives him the same power, but speaking for myself personally, I am of the opinion that the inspection of factories should be an occupation that men and women could look forward to as permanent, in which they might become skilled and proficient, and in which they should not be subject to removal unless for reasons such as would accord with civil service protection.

The section approves the provision for inspectors of the seventh grade who shall act as medical inspectors, and for inspectors of the ninth, tenth, eleventh and twelfth grades, who shall be chemists, mechanical engineers, experts on fire prevention, etc., and ventilating engineer, one in each grade.

The section approves most cordially the Division of Industrial Hygiene and considers it one of the most progressive of the bills proposed especially when taken in connection with the creation of the Advisory Board.

We approve bill No. 7 creating the Advisory Board, leaving the question open as to the \$20 per day compensation. The creation of this board will give reasonable flexibility to the work of protecting the life and safety of employees, permitting them to make rules and regulations and to fix standards and to carry out the spirit of the law. The chief difficulties at present in the way of effective sanitation, ventilation and other wholesome con-

ditions in factories is the absence of authoritative standards, either specified in the law or understood by the factory inspectors or factory owners, and proceedings taken to enforce the statutes have often been rendered void by the decisions of courts, based upon strict interpretation of the word of the statute. The section believes that the number of inspectors has heretofore been inadequate to properly cover the State and that the creation of the number of inspectors specified in the bills is not excessive, but reasonable.

The section believes in Bills Nos. 19, 20, 23-a, 23-b and 23-c, affecting minors and children.

The section approves the intent of bills Nos. 1 to 5 on fire prevention, but since it is concerned with matters affecting health, has not gone into them in detail.

Bills Nos. 11, 12, 17, 18 and 22, affecting sanitation and safety, have been approved with the proviso that in bill No. 12, the responsibility for cleaning sanitary cuspidors shall be clearly put upon the employer specifically.

The section believes that bill No. 16 would improve present conditions but that the special dangers incurred from dust, gases and fumes would make it advisable to prohibit employment of women in foundries except in clerical and similar positions outside of the foundry proper.

The section approves of bills Nos. 13, 14 and 15, but believes as to No. 14 that if the employees were permitted to sit more often upon the present stools, very much could be accomplished.

Now, as to some of the questions in general. The Pittsburgh Survey which was made by a body of very competent investigators, has a very significant introductory paragraph written by Mr. Paul Kellogg, one of the associate editors of the Survey, a man whose opinions are entitled to the utmost credence by all those who know his competence. Mr. Kellogg called the attention of everybody interested there to the fact that for a number of years the employers had their own way. They had broken the powers of the Union, there was no dearth of dividends, the profits had been large, in fact, excessive, they had no law, it was a period of unlimited sway. It was realized that there was a very large percentage of adult men working seven days a week and twelve

hour shifts, and the houses provided were inadequate. Facilities of all kinds that had to do with uplifting or improving the condition of employees, especially the unskilled laborer and the foreigner, were anything but such as reflected credit upon an intelligent community, consequently, for that reason, factory legislation and labor legislation has become a great concern, not only of labor unions, who might be expected to be interested, because they are so intimately related to it, but of social workers, of which I am one, of public health officials, of which you have heard through the health physician of this city to-day and others who are interested from the philanthropic side. We have continually to realize that it is not fair to the communities we represent to be continually paying bills through relief given in charity or through money to care for consumptives when we might prevent by adequate legislation which would be uniformly and fairly applied, which would not bear unjustly upon industry, because it would be applied in preventive work rather than in attempting afterwards by bungling methods to care for the things we might have prevented by more intelligent legislation, among the more important of which is factory legislation, with which this Commission is concerned.

I do not agree with Mr. Van Allen as to his statement with respect to the appointment of the officials by the Attorney-General's Office and the Health Department. Although I agree with his premises, I think his deductions are faulty with respect to the confusion he speaks of. I think that the introduction of the Attorney-General's Office into carrying out the legal work of the Department of Labor as well as the introduction of the local department of health of this city, would result in confusion rather than in centralizing the work, and I speak of this because my own work brings me into direct contact with those particular questions. The trouble has been now, for instance, that when anything has been attempted to be carried out, if the Department of Labor is compelled to transfer its prosecuting power to the Attorney-General, or its inspecting power in the City of Buffalo to the local department of health, it tends to confuse matters, and decentralize authority and make delay and make matters worse instead of better.

Mr. VAN ALLEN: Will you permit me a question right there?

Mr. SHILLADY: Yes.

Mr. VAN ALLEN: I meant from the manufacturers' standpoint. You see, we have to think about the medical inspectors of the Commission of Labor, and we also have to comply with the ordinances of the City of Buffalo as to hygiene and so forth, and you realize that confusion arises from so many bosses.

Mr. SHILLADY: Yes, I appreciate that to some extent, but there are very few times when the Department of Health has come into the factories here. In fact, their power in the factories is very limited as compared with the power in the factories of the Department of Labor, and very often the local department of health inspectors have been called into factories because the Department of Labor has never had in Buffalo or anywhere else a sufficient number of inspectors to carry out the details of the work devolving upon their department.

Mr. VAN ALLEN: Dr. Fronczak has testified there is confusion in authority even between those two boards.

Mr. SHILLADY: Probably because Dr. Fronczak's work has sometimes carried him into factories where with a sufficient inspection force it would not be necessary for them to go.

Mr. ELKUS: Your point is that if the Labor Law was effectively administered, there would be no need of conflict.

Mr. SHILLADY: No. The provision for an advisory board and industrial hygiene has perhaps not been given the attention by the gentlemen that it is entitled to. I have been very much pleased by the attitude of those representing the manufacturers and those representing the different bodies here with respect to the fine spirit and the evident intention of everybody to get at what was the best thing. The advisory board, of course, is given great power that might be abused, concededly, but in order to accomplish any good end we have got to vest that discretion and power in someone. I believe in removing all discretionary powers, upon things which are perfectly clear, from the Commissioner of Labor, but I do believe in conferring these discretionary

powers with respect to applying the spirit of the law, upon the advisory board, and by having expert inspectors, seven, eight, nine or ten of them, ventilating engineers and men of that type, including the present inspectors, the advisory board will have at its service competent men. For instance, at the present time, the Department of Labor has one man who corresponds to these various experts, Dr. C. T. Graham Rogers, of New York, who I believe, to be a very competent man, but who certainly cannot cover the things that would devolve upon him in the State, and he has the question of ventilation, which is very important in the prevention of tuberculosis. He advises on what constitutes good ventilation. Then there is the question as to what constitutes good lighting. A division of industrial hygiene and the advisory board can fix standards which shall be satisfactory and uniform among all factories under the same conditions, and as new light comes, as experts may acquire new knowledge upon any specific point, the advisory board might modify their standards so as not to be unfair to the employer or to be inadequate as to the protection of the workmen, and in that respect I think an advisory board can be of the greatest specific service.

Mr. FREDERICK CHORMANN, Niagara Falls, N. Y.: The hour is so late that I must return to Niagara to fill another engagement. I have asked permission to file a memorandum which I have in regard to the bill, which we consider a dangerous bill, which has just come to my hands, and the time is so short I have no opportunity to say what I wanted to say in regard to it. If I may be granted that privilege, I would like to file a written memorandum in regard to it.

Mr. ELKUS: When will you let me have it?

Mr. CHORMANN: I have asked Mr. Shientag to send me copies of the bill. He said he would telegraph for those to-day, and I will try to take it up within a few days.

Mr. ELKUS: Let me have it within a week?

Mr. CHORMANN: Yes.

Mr. ELKUS: And we will put it in the record as though you had stated the case?

Mr. CHORMANN: Yes. In that memorandum I would like the privilege of giving my thought in respect to the organization of the Commission.

The CHAIRMAN: Put in everything you think will be of service to us, please.

Mr. SHILLADY: One comment with respect to the testimony of Mr. Burt this morning on the bill effecting candy factories. Candy factories are necessarily places where ventilation is poor, especially in the winter, the windows cannot be open because it affects the product. Consequently the permission to increase the hours beyond nine hours would be dangerous from the point of view of a tuberculosis organization.

Mr. A. W. GRAY, 45 Falls street, Niagara Falls, N. Y.: I represent several manufacturing concerns, not speaking particularly for any at this time. I simply wish to say regarding these suggestions, that it would seem to me objectionable to require that a license should be given to any concern which is engaged in a business which throws out injurious gases or fumes or, I suppose, "etc." here refers to dust, and any concern engaged in handling poisonous ingredients or noxious materials. I think, so far as those matters are concerned, we should go on as we have in the past and require simply that those dangerous things should be eliminated from the process of manufacture, leaving it for the managers of factories to take care of those matters, and that general statutes, if they are not sufficient at the present time, should be enacted requiring that those things should be eliminated and no special rules or regulations should be made regarding the manufacturing concerns, leaving it in this way, that if these dangerous things are not eliminated, that then the business can be stopped until they are or take some other proper method of enforcing the regulations. For the reason, among others, that you could not get capital to go into a business where there had to be a license obtained every so often before they could do business at all, so many things would enter into it, and it would seem as though you could rely better upon the ingenuity of the engineers of the various factories, who study those things, to elimi-

nate them, than upon an inspector who should come there once in awhile making suggestions which they would be obliged to carry out whether they approved them or not, the only important thing being to eliminate the dust, the fumes and things that are dangerous to health, leaving the means of operation, the means of effecting those things to the factory people themselves.

Mr. ELKUS: Have you a memorandum you are going to submit?

Mr. GRAY: Well, I will submit one. I had not intended to, but I have to catch a 6:18 train.

Mr. ELKUS: If you will submit a memorandum within a week, we will be very glad to have it.

Now, Mr. Jordan. Mr. Jordan is the supervising factory inspector of this district, and wants to make a statement with reference to conditions as they have changed since the Commission visited Buffalo before.

I will tell you what we can do, Mr. Jordan. Suppose you write out your statement and we can have it put in the record.

The CHAIRMAN: Write it out and send us a copy and we will have it made a part of the record.

Mr. VAN ALLEN: In all fairness, I want to make one statement, and that is, that in criticising the number of inspectors named in the bill, I was criticising generally the method of reciting in legislation the number of inspectors. I am perfectly satisfied with the statement of this Commission that 125 are absolutely necessary, so that any criticism that I might have heretofore expressed in that, has been removed, by the statement of the Commission that that number is absolutely necessary for the attention to the business.

One other thing, and that is, that I want particularly to emphasize before this Commission that the mercantile establishments are absolutely opposed to being duplicated or being placed in the same position as factories, because in complying with the regulations for mercantile establishments, they ought not to be compelled to also comply with factory regulations.

Mr. ELKUS: When they do manufacture, though, they are willing to be, are they not?

Mr. VAN ALLEN: The manufacturer is a totally different proposition in this sense, that it is only incidental.

Mr. ELKUS: I know; but when they do manufacture, they are willing, as far as the manufacturing part is concerned?

Mr. VAN ALLEN: So far as that department is concerned, of course, to comply with all the regulations.

Mr. ELKUS: There is no other way except to make them factories.

The CHAIRMAN: You can't make them factories unless they manufacture.

Mr. VAN ALLEN: The language of this bill puts them in the same class if they do any manufacturing in the building.

The CHAIRMAN: Not extending throughout the entire business, it does not.

Mr. VAN ALLEN: That is the particular thing that we do not want it to do, although the reading would permit it to be done that way.

The CHAIRMAN: Well, that has been called to our attention, that that is a little indefinite, and that is going to be made more definite.

Mr. ELKUS: If you will give us something in the way of a suggestion on that within a week.

The CHAIRMAN: Is there anybody else who desires to be heard?

The Commission stands adjourned until to-morrow morning at 10:30 to meet in the city of Rochester.

HEARING OF THE STATE FACTORY INVESTIGATING COM-
MISSION, HELD AT ROCHESTER, N. Y., DECEMBER 10,
1912, COMMON COUNCIL CHAMBER, 10:30 O'CLOCK, A. M.

Present:

HON. ROBERT F. WAGNER, *Chairman*,
ALFRED E. SMITH, *Vice-Chairman*,
EDWARD D. JACKSON, *Commissioner*,
CYRUS W. PHILLIPS, *Commissioner*,
J. F. CONNOR, Esq., *Of Counsel for Canning Interests*,
ABRAM I. ELKUS, Esq., *Counsel to the Commission*,
B. L. SHIENTAG, Esq., *Assistant Counsel to the Commission*,
FRANK A. TIERNEY, Esq., *Secretary to the Commission*.

MR. ELKUS: We will take up discussion of the bills and hear Mr. Connor, counsel for the canners, and Mr. Clark, one of the canners, both of whom are present, before going ahead with the hearing.

MR. CONNOR: Our purpose in calling this witness this morning is to meet some of the questions that are raised by the evidence offered on the part of Miss Chamberlain as to conditions at the Burt Olney factory at Albion, to explain generally the conditions surrounding the hours of labor and the nature of the work.

MR. ELKUS: Who is this witness?

MR. CONNOR: She has been in touch with the entire situation. She has had charge of the school and has come in contact with all of the children who have been employed in that factory.

MR. ELKUS: She is not connected with the factory?

MR. CONNOR: Not at all.

MR. ELKUS: How many witnesses have you?

MR. CONNOR: We have two.

Mr. ELKUS: Mr. Connor, I think it is fair to say, and I know you will admit it, because it is the fact, that Mr. Burt Olney, who was the employer of Miss Chamberlain, was present in Albany and heard her testimony.

Mr. CONNOR: Mr. Olney is not as familiar with the details of some of his plants as some other people, perhaps.

JENNIE BOWEN, a witness, being first duly sworn, testified as follows:

Direct examination by Mr. CONNOR:

Q. Where do you reside? A. At present in New York City.

Q. What during the last summer has been your occupation?

A. I was educational director and social welfare worker under the supervision of the North American Civic League for Immigrants.

Q. What is the Civic League?

Mr. ELKUS: We know all about it.

Mr. CONNOR: I wish it to go on the record.

The WITNESS: The North American Civic League is supposed to look after the welfare of immigrants and follow them up as closely as possible to see that they do not become endangered in traveling, and do not get placed in places where it is undesirable for them to work.

Q. When did you take up your employment in Albion? A. I began June 21st and ended October 20th.

Q. What was the nature of your employment? A. To look after the general welfare — the general social welfare and education of the children of the Italian people employed at the Burt Olney factory.

Q. What was the nature of the work? State it generally.

By the CHAIRMAN:

Q. Were you employed by Mr. Olney? A. I was employed by the North American Civic League.

Q. Were you paid anything by Mr. Olney? A. Mr. Olney paid the expenses, and the Civic League supervised the work.

Mr. ELKUS: Who paid your salary?

The WITNESS: Mr. Burt Olney.

Q. Tell me in a general way the plan of your work, the nature of your work, what work you did? A. The general plan of the work was to establish a school for the children, which we had on the ground, adjoining the factory. This building was devoted to a school entirely, and for social entertainments of the older people in the evening. The general idea was to take care of the children and to keep them out of the factory. This school, with the shanties, was fenced off from the factory grounds, so that the children could not go through. A watchman was stationed at the only gate in that fence, thus preventing any children from going through under a certain age.

Q. What was the regulation as to the age of the children who were permitted to work in the sheds? A. No children at all were permitted through this fence to speak of, until the bean snipping time. Then children over ten years of age were allowed to go into the sheds, provided they had a ticket from me to show to the foreman stating that they were ten years old or over.

Q. What investigations did you make to see that the tickets to work at bean snipping were given only to children over ten years of age? A. When I first went I took a census of the families there, the children, and their ages, and I got that way as nearly as I could, a sworn statement of all the parents as to the age of each child.

Q. How was the regulation put in force as to barring children under ten years of age? A. The watchman at the gate would not permit them to pass through unless they had a ticket with their name on signed by me. The watchman asked for their name and that had to tally with that on the slip.

Q. How frequently did you visit the sheds? A. Every day; sometimes many times a day.

Q. Will you tell us whether the regulations excluding children under ten years of age were carried out at the factory? A. They were very substantially carried out, absolutely.

Q. Did you from time to time find children under ten years of age in the sheds? A. Occasionally one or two children would

tell me when they came over to school that they had earned, say, forty-eight cents snipping beans. I asked them how they got in. They told me they had gone in into a back street, through another entrance. Occasionally the superintendent of the factory notified me that one or two children were in there, and I would go and get them out. Those were very rare occasions.

Q. Did you observe while you were there the hours of employment of the children over ten years of age, and the women, in the sheds, snipping beans, or engaged in other employment in the sheds? A. The hours naturally were very irregular.

Q. What time in the morning did they usually start work? A. Six o'clock. Sometimes not until seven. Many times not until ten. On some work they did not start until the afternoon. It depended on the season of the year and the work.

Q. As a general practice about what hours were put in by the children over ten years of age in the sheds snipping beans? A. Over ten and under what?

Q. Well, over ten and under sixteen years, for instance? A. They worked very irregularly. They would go over and earn a little money and then they would go home.

Q. Can you tell us about the hours when they started in the morning and the time they would stay at their work? A. Well, the children worked in the beansheds perhaps three or four hours. If they got tired they would come to the school usually. That is, the older ones.

Q. Would they have occasion to return again in the afternoon? A. Sometimes, not always. They did as they pleased about it.

Q. What was your work in the schoolroom as pertaining to the vocation division particularly? A. Well, for the girls we tried to teach them principally sewing. Girls of all ages had sewing. The kindergarten children would begin to string beads. From that they would learn to take up simple stitches, and thus learn sewing. The children of seven or eight years old were taught to make their dolls' dresses. They were very assiduous and earnest workers, and would come every day, as they were very anxious to learn to sew. The older girls would make their own clothes, and perhaps some of the older girls would make garments for the younger members of the family. The mothers would come and make up linen, sheets

and all sorts of things. They came to get assistance, to have the opportunity to make those things. There was not so much done for the boys in the way of vocation work, because we did not have a man to teach them, but we did the best we could under the circumstances and tried to hold their interest by having physical culture classes and we established a little garden outside of the schoolhouse. Here we had garden tools and when their interest in that flagged, we taught them to use the tools in cleaning around the premises, around the schoolhouse. We taught them to keep the premises clean around the shanties at the same time. In every way we tried to hold their interest.

Q. What did you attempt to do with reference to habits of cleanliness? A. In the largest room of the schoolhouse, there were three rooms, in the largest room there were five sets of bowls, and the morning and the afternoon, the children filed up to the bowls — there were two or three of them waiting at each one — waiting for their turn. At first we had a roller towel, and later on we had individual towels and we taught them to bathe thoroughly. We saw that each child washed, washed his hands, cared for the hair, brushed the hair and cleaned the fingernails, and we taught them all those little things in connection with caring for their bodies. And sometimes when one of them would get hurt, the boys principally, scratched their hands, or something of that sort, on a piece of broken glass, they would come to us and we would show how to dress it properly.

Q. How old were the children, what was the age of the children that received that sort of training and practice? A. All the way up to fourteen.

Q. Did you give personal supervision to the washing of the hands, hair and so forth? A. Yes, Miss de Rossi and myself did, twice a day.

Q. How intimately did you become related in this work to the young people in the factory and in the shed? A. Very intimately connected with them. In the families and in the factories also, because they came to me with every little trouble. They came to me with every little scratch. They knew I had peroxide and things like that, panaceas for all ills, they thought, and they would

always come to me to have it attended to, whether they had scratched the finger or cut a finger, whatever happened.

Q. During the time that you were there did you, in washing their hands, or in caring for their hands, come in contact with any cases of children ten years of age or under, or ten years of age and upwards, engaged in picking, snipping beans, whose hands were swollen and cracked and bleeding from snipping beans? A. I never did.

Q. Did you see a single case of that sort in the factory this summer? A. No, I did not, not one.

Q. Do you know of any cases where children had diseased hands or diseases of any kind where they were permitted to work in the shed, or at any other work around the factory? A. No, I never saw anything of that sort. In fact, our children were particularly free from disease of any kind, and from sickness.

Q. Do you speak the Italian language? A. Yes, somewhat.

Q. Did you have occasion while there to come in close contact with the young ladies and girls that were employed in the factory proper over sixteen years of age as well as under that age? A. Yes.

Q. How intimately did you see them? A. One or more of them came to me every day to ask for instruction about something, or perhaps they wanted medicine or a bandage, or any little thing that they wanted, all the time, every day. The women would make the clothes for the children, and they would make arrangements perhaps for evening entertainments in the school house.

Q. You gave evening entertainments? A. Yes.

Q. What was the nature of those entertainments? A. Sometimes a mass meeting on Sunday for everybody, and other times we would have an evening dancing party in the schoolhouse, clear the seats out and dance there.

Q. During the summer were there any occasions when you had complaints from any of the ladies of improper treatment on the part of employees, timekeepers, or others about the factory? A. No, none whatever.

Q. Did you know the timekeeper, Gillette? A. Yes.

Q. Did you ever see anything in his conduct improper, or did you ever hear him use obscene language? A. No, Gillette always treated me with the utmost deference and courtesy.

Q. Did you have any complaints from any of the employees of improper advances on his part? A. No, none whatever.

Q. Did you ever hear it mentioned in any connection in or about that factory that there was any employee there that was making improper advances to any of the young ladies? A. No. I never did.

Q. Or that obscene language, or that improper language was being used? A. No, I never did.

Q. Did you observe any change in the general physical condition of the children and the younger employees, both in the factory and the shed, during the summer of your employment at the Burt Olney factory? A. Yes, decidedly.

Q. What did you observe? A. I observed great changes in the smaller children. I saw their growth and healthy condition from being out doors all the time, and among the larger children I have noticed a great improvement in their use of the English language and in their general deportment, especially the young ladies, fifteen or sixteen year old, in their general behavior.

Q. What was the tendency of the Italian mothers in reference to the children, compelling the children to work, how much of that did you find? A. Compelling the children to work?

Q. Yes, long hours. A. No, we had none of that.

Q. Do you mean to tell me that during all the time you were there you found no cases where the mother was insistent upon the children working long hours? A. I do not know of a case where the mother forced the child to work.

Q. Take the children from ten to twelve years of age, they were in your school? A. Yes.

Q. What did you find in reference to their hours of work; how long did they spend in the sheds? A. Sometimes one hour or two; just as pleased them.

Q. An hour or two a day? A. Yes, sometimes.

Q. Then what did they do? A. They would come back to the school house.

Q. And you found that general? A. General among all of them, yes.

Q. Did you hear any complaints on the part of the girls who worked in the factory proper, girls over sixteen years of age, on account of the long hours that they worked? A. No.

Q. Did you hear any complaint on the part of employees of the shed, the women, and the minors, who were employed in the shed, on account of the long hours they worked? A. No, because they could leave any time they were inclined to.

Q. Let me ask you, did you hear any complaints because of the short hours? A. I did some, yes, because after the pea season, it was a long wait between that and the bean season.

By the CHAIRMAN:

Q. That complaint was on the part of the parents or was it by the children? A. The parents.

Q. Complaining that the children did not have work enough? A. No, that they themselves did not have work enough.

By Mr. CONNOR:

Q. The bean season last season was very late, it ran into the school session? A. Yes.

Q. Will you not tell the Commission what was done in reference to the attendance of the children at the school after the school season began? A. After the first of September you mean?

Q. Yes. A. After the first of September the same effort was made in regard to children under fourteen years of age that we had previously made in regard to children under ten years of age, to keep them all out of the bean shed, and it was finally decided that the children must go to school. If they did not attend the Albion school, they must go to school at the factory every day, all children under fourteen.

Q. How did you attempt to enforce that regulation? A. They were not permitted to work in the bean sheds only after school hours, after the regulation school hours.

The CHAIRMAN: What month was that?

The WITNESS: September.

Commissioner JACKSON: The parents objected very strenuously to the children being sent to school, didn't they?

The WITNESS: They did, to some of these regulations, because they said they were going back to Buffalo shortly, and did not care to have their children going to school until they went back to Buffalo.

The CHAIRMAN: When they did that they preferred to have them working rather than have them go to school?

The WITNESS: Yes.

Mr. CONNOR: Is there anything else you can tell the Commission that I have not asked you about that is pertinent to the work and life there?

The WITNESS: I think if there is any feeling that the people were not used well there that there may be some exaggeration in regard to it, because so far as I know the Italians at Albion were very well satisfied with the quarters, and although they would make excuses if they invited you to lunch, which they did on several occasions, some of the families would make excuses on account of not having their fine table linen, and so forth, but they excused that in this way, that they had those things in their home in Buffalo, and they were just camping out for the summer at Albion, and did not put on the extras.

Commissioner JACKSON: Was that serious on their part?

The WITNESS: Absolutely serious.

The CHAIRMAN: Did they cook their own meals?

The WITNESS: Cooked their own meals, yes.

By Mr. CONNOR:

Q. Have you had occasion to come in contact with the home life of these employees at all? A. Yes, because I spent almost all my time there, was acquainted with the details, was there every day.

Q. I meant home life in Buffalo? A. No, except on one or two occasions when I visited them after they had finished their work.

I visited one or two of my families in Buffalo after I finished my work before I went to New York.

Q. You had an assistant? A. Yes, Miss de Rossi.

Q. She was a native Italian? A. Yes, from Florence, Italy.

Q. Is she present? A. She is present.

Q. Now, from your observations there during the past season did you see anything among the women employees in the factory or the minors in the factory or in the shed that indicated that the long hours were detrimental to their physical well-being? A. I did not notice a case of that kind, because they practically could stop work and rest when they wanted to. As far as the older girls were concerned, they just seemed to be having a good time.

The CHAIRMAN: You mean that the long hours were good for their health?

Mr. CONNOR: No, but where the late hours were so infrequent the long hours were not detrimental, not as detrimental as they might otherwise seem. That is, one excessive day, when it is a rare occurrence.

Mr. ELKUS: We had physicians testify that it was absolutely detrimental for women to work for one week only, once, 116 hours.

Mr. CONNOR: Yes, and I could call twenty-five physicians that would refute that statement. Medical science is so uncertain that it has not yet come to the point, I believe, where you could determine specifically as to just what hours would be injurious.

Mr. ELKUS: I wish you would call some of them.

The CHAIRMAN: You say you could call doctors who would say it was not harmful for a woman to work 116 hours a week?

Mr. CONNOR: I think those are very excessive hours.

The CHAIRMAN: We have the actual evidence all the same.

Mr. ELKUS: Yes, we had the time cards. There were many cases of eighty and ninety hours and physicians also testified that that was very harmful.

Mr. CONNOR: While that is in your mind, I might for the information of the commissioners state that yesterday I had the privilege of talking with the nine employees of a preserving factory, or a similar factory around in the city from periods of eight to twenty-eight years, and I asked each one the question if after those years of experience in long hours, as to whether they had ever experienced any ill effect from the long hours they worked and I invariably received the reply they had not. Touching on this question of the labor of minors, a German told me that when she was nine years of age she started at picking hops and tobacco in Germany. She worked from 6.30 in the morning until 6 at night, had an hour for supper and then she assisted in the weaving until ten o'clock at night and continued that until she was married and came to this country. That she worked twenty years in a canning factory, where frequently during a number of months she worked what would be considered excessively long hours down to five hours a day. That she has worked eight years in the Clark establishment where the hours are not quite as long as formerly, but she averaged 66 to 80 hours a week during the full season in the summer. That she raised a family of five children; that she had an invalid husband, and that she still feels vigorous and young, feels and looks like a girl of sixteen.

Commissioner JACKSON: If she had remained in Germany she could not be working those hours now; they have stopped it over there.

Mr. CONNOR: Yes.

Mr. ELKUS: When you interviewed these people you did not disguise yourself?

Mr. CONNOR: No.

The CHAIRMAN: We found in going down to the factories whenever we examined a witness in the presence of the proprietor or the superintendent, that the witness would always give the proprietor and everybody concerned in the factory a very good certificate of character as to sanitation and everything else. But when we got them alone they would always tell us the real story,

which was not always the story that they had told us before in the presence of the manager. If you argue for long hours of labor, you are going up against a stone wall, I am afraid. I think the trend of opinion is against it.

Mr. CONNOR: I only make the suggestion; there is a limitation. You can go to the other extreme.

Examination by Mr. ELKUS:

Q. Miss Bowen, are you now engaged in work in New York?

A. Yes, sir.

Q. How did you come to go to Albion; were you sent there, or did Mr. Olney ask to have you sent there? A. I was sent by the North American Civic League.

Q. You knew they had there what is known as the padrone system? A. Yes.

Q. The foreman keeps a grocery store? A. Yes.

Q. And all the Italians had to buy their food supplies from him? A. They did buy a great deal of it.

Q. I wish you would answer my questions. If you do not know, you can say so. A. They did not have to buy it there.

Q. And do you say that the mothers and fathers did not want their children to work, the children who were under ten years of age? A. Some.

Q. Did not most of them? A. No.

Q. Was not there a riot there because of the investigations of this Commission, because the children who were ostensibly under ten years of age, or whose parents would not say they were over ten years of age, were kept out? A. I never knew of it.

Q. You did not know of that? A. No.

Q. Did you know Mr. Mulry? A. Yes.

Q. Who is he? A. The superintendent of the plant.

Q. He is a very truthful man? A. I never had any occasion to think otherwise.

Q. Do you remember when the Commission was there last summer itself? A. Yes, sir.

Q. Were you there at the time? A. I was at the school, yes.

Q. Did you volunteer any statement to the Commission; did you come forward and want to tell them all about it? A. No.

Q. You know Miss Dreier? A. Yes.

Q. She is very active in the North American Civic League?
A. Yes.

Q. Did you see her there? A. She called at the school, I saw her.

Q. Did you tell her anything of those facts? A. No.

Q. Not a word. Did you ever have any trouble keeping these children under ten years of age away from the shed? A. I have had, yes.

Q. What sort of trouble, who made the objection? A. The mothers and fathers.

Q. Mr. Mulry said "on account of keeping them out of the shed there was practically a riot yesterday. The mothers got very angry and the result was the timekeeper wanted to keep them out, and one of the mothers went at him and bit his finger." Did you see that? A. I heard about it.

Q. That was the result of your training? A. That was quite a big boy.

Q. Under ten years of age, was he not? A. I do not think he was.

Q. You only kept out children who were under ten years of age? A. Yes.

Q. They were letting in all the boys and girls who were over ten years of age? A. As I remember this case—

Q. Is that right? A. As I remember this case.

Q. Is that right, there were a lot of boys and girls under ten years of age who were kept out, and along came a boy among others who wanted to get in, and they had this riot, and then the mother bit the timekeeper's finger almost through, is that right?
A. I remember the biting of the finger.

Q. Do you remember the mother of that boy? A. Yes.

Q. What was her name? A. I do not recall.

Q. She was one of the peaceful, nice Italians that came there, but used their children in the way described? A. As I remember, she was one of the hardest women I had to deal with in the plant.

Q. But it takes more than one boy and one mother to start a riot, does it not? A. (No answer.)

Q. You know when the Commission was there they examined children right there who were working there who were under ten years of age and were working in the shed snipping beans; did you not hear that? A. No, I did not.

Q. They kept you in complete ignorance of that? A. No; they did not.

Q. Did you go around with the Commission when they were there last summer? A. No.

Q. You knew the purpose for which the Commission came there, did you not? A. Yes.

Q. You knew they came there to investigate into the conditions under which these children under ten years of age or under fourteen years of age, who were working there, to investigate about the conditions under which they were working, and for the purpose of ascertaining those conditions? A. Yes.

Q. And you knew about these conditions and saw them? A. Yes.

Q. And you never went around with the Commission or volunteered to help them in any way? A. The Commission did not come to me.

Q. Miss Dreier called on you? A. Yes.

Q. She was a member of the Commission? A. Miss Dreier did not call the day the other party came.

Q. When did she come there? A. I do not recall the date. She called with Mr. Potter.

Q. She was there a week before? A. I do not remember.

Q. And when she was there, the time she did come, did not she tell you we were coming there, the Commission? A. No, sir; I do not recall.

Q. Mr. Potter was there with her? A. Yes.

Q. You knew Mr. Potter was the chief investigator? A. Yes.

Q. And did you tell him all you knew or did not you tell him anything? A. Did I say that I did not — he did not stay long.

Q. Miss Dreier stayed some time. You knew Miss Dreier was a member of the Commission? A. She told me so.

Q. Do you know a girl by the name of Rose Scinta? A. Yes.

Q. She was in your class? A. Yes.

Q. And she worked in the factory? A. She worked in the shed.

Q. She worked in the factory, I suppose that means the shed? A. Yes.

Q. And she was in class 3-B, was she not? A. Yes.

Q. How old was she? A. I could not be exact; I think Rose was about twelve years of age.

Q. She swore she was ten. Here is the way the record reads.

"Q. How old are you? A. Ten. Q. Are you going to school? A. Yes." How do you find out how old the children are? A. We have to ask a great many people and then use our own judgment in the end.

Q. And after a while they found out that unless the child said she was over ten years of age you would not allow her in the shed? A. Yes.

Q. And you would not give her a ticket unless she was ten years of age? A. I had a general idea before they came to me.

Q. This little child, Rose Scinta, when examined by the Commission, said she was ten years of age. They never understated their age, did they? A. No, it was hardly probable.

Q. Did you meet Miss Chamberlain while she was there? A. No, sir.

Q. Did you ever go in the early morning yourself and see the women standing in a line in shawls waiting for them to open? A. No, sir.

Q. What time did you get up in the morning? I do not want to be personal? A. I opened my school at nine. I was there at 8:30.

Q. You know Miss Chamberlain said that when she got there in the dark hours of the morning, that was when they stood in line, and that is the time when Mr. Gillette was so pressingly attentive. Of course that was in the dark. She also testified that these children that she saw at 4.30 in the morning, bundled up in shawls, some had their fingers bandaged up. But that was in the dark. You did not go in the shed at that hour? A. No; I was there late at night.

Q. Mr. Mulry, of course, knows all about your school? A. Yes, sir.

Q. And knows all about the children? A. Yes, sir.

Q. And all about what you do in endeavoring to find out how old they are? A. Yes.

Q. Would it surprise you to know that he testified last summer before the Commission, speaking of the children, when he was asked how they found out how old they were, he said, "The only way we know is to take their parents' word," and that is true, is it not? Mr. Mulry said that. A. It must be true.

Q. So, as a matter of fact, if the children, or the children's parents, said they were ten years of age or older, you took their word and could not help yourself? A. I used my own judgment to some extent.

Q. Most of those Italian children when they are twelve or fourteen or fifteen years of age are very small? A. They do mature very young, yes.

Q. It is very hard to tell the age of Italian children? A. Yes.

Q. And you say they were not forced to buy their food products and their grocery supplies from this padrone. Is it not true that he had the only store there? A. There is the town of Albion.

Q. He had the only Italian store there? A. Many of the Italians sent to Buffalo for their things.

Q. Outside of those that sent to Buffalo, he was the man who kept the store, and he brought them all there, and they were there under his orders practically? A. Practically.

Q. This padrone, of course, was there from year to year, and when the factory people announced that they wouldn't let any children work that were under ten years of age, of course he knew all about it? A. Yes.

Q. Don't you know that these women worked as long as 15, 19, 16, 12 hours a day in your factory, consecutive days? A. No.

Q. You never heard of such a case? A. I don't think I have.

Q. Have you not heard of many cases where women worked 80 or 90 hours a week, while you were there? A. I never counted up the hours. I did not reckon the hours, I dealt with the children.

Q. You spoke about the women? A. Yes. I never had occasion to have the women come to me with complaints about the long hours.

Q. They knew you were in the employ of the company. I do not say that in an improper sense. They knew that you were attached to the factory? A. No; they all knew I came from the Civic League.

Q. They knew you were paid by Mr. Olney? A. I do not think they did.

Q. Here is one woman, when Mr. Jackson and Mr. Phillips of the Commission were there last summer, a woman named Mary Jenko, do you know her? A. No.

Q. She was No. 276. Here is the record. This comes from Mr. Mulry. Here is the time card. July 3d, 15½ hours. That meant from what hour to what four, if she took an hour for lunch? That meant about from 7 in the morning until 10 at night, did it not? A. About that.

Q. The next day, the glorious 4th of July, Mr. Chairman, to celebrate the independence of our country, she worked 19 hours. Were you working on the 4th of July? A. I went over in the morning, Sunday, and every other day.

Q. You did not work 19 hours a day? A. Maybe not.

Q. Did the children work Sundays? A. No, sir.

Q. After working 19 hours that day, after finishing 15½ hours the day before, this woman in your factory must have begun at 4 o'clock in the morning and if she stopped for lunch at 12, she would have worked 8 hours, and then she would have to work until 10 o'clock that night, and if she took an hour out for supper, she would have to work on to the next morning? A. Yes.

Q. Did you ever hear of that going on? A. No.

Q. If Mr. Olney had told you that a woman had worked on one day 15½ hours, on the next, 19 hours consecutively, you would have been very much put out about it? A. Naturally.

Q. And you would have gone to him and complained about it? A. Naturally.

Q. And then if you found on the next day, July 5th, she worked 14 hours, you would have been still more put out? A. I think so.

Q. And if you found that on the following day she put in 15½ hours you would feel like taking the roof off the place? A. But how long did this keep up?

Q. I am coming to that. The next day she put in 16 hours, and the following 12½ hours and that is the end of the week, and she made — she only worked 92½ hours. You do not approve of that as a civic worker, do you? A. Hardly. Maybe she did not work again for another week.

Q. Whether she worked another week or not, I want to know whether as a civic worker you approve of any woman working consecutively 92½ hours a week? A. Naturally not.

Q. This is not our record; this is from Mr. Mulry's testimony.

The CHAIRMAN: That is the testimony of the superintendent of the factory, from the record. That is a matter of record.

Q. Let me ask you about some of these children? Do you know a child by the name of Florence Laney? A. I know of such a girl. I think she was in the factory.

Q. Did she come to your school? A. No.

Q. You do not know how long she worked? A. No.

Q. Would it surprise you to find that on August 20th she was — A. She was as big as I am.

Q. I did not ask you that. How old was she? A. I really do not know her age.

Q. Eleven years old, she is. A. That seems to me impossible.

Q. Do you know Minnie Kanger? A. No, sir.

Q. This was a foreign girl who lived on the Burt Olney premises. Do you know Mrs. McGaffey? A. No, sir. I had no family by the name of Kanger in the settlement. There must be some mistake about that.

Q. Minnie Kanger. She was a foreign girl who lived in the Burt Olney premises? A. No.

Q. Do you know Florence Laney; she did not go to your school. A. No, sir.

Q. Do you know that she worked on August 20th, 10 hours; August 21st, 13 hours; August 22d, 12 hours; August 23d, 5 hours; August 24th, 12½ hours; August 25th, 6 hours; August 26th, 13½ hours; August 27th, 13½ hours? A. No, I do not know that.

Q. Do you know Millie Vecanti? A. Very well; she was one of my best pupils.

The CHAIRMAN: Do you mean that you did not know what the children were doing in the sheds and in the factory?

The WITNESS: Yes.

Q. Millie was in your school? A. Yes, sir.

Q. How old was she? A. Eleven.

Q. Our information is that she was 10. Let us put it at that. Between 10 and 11, we will say. You spent your time in the school? A. Most of it.

Q. And you occasionally walked in the shed? A. I had between 40 and 60 pupils.

Q. When the Commission were there in a body they were there a half a day? A. Yes, but they did not visit the school.

Commissioner PHILLIPS: How far is the school from the shed?

The WITNESS: I am not very good at distances, but it is perhaps 300 feet from the back end of the shed. Then it is fenced off so that unless a person looks directly for the school they are not apt to find it.

Q. How long before the Commission got there did you know they were coming? A. I did not know they were coming; did not know they had been there until they were gone, this Commission.

Q. Millie Vecanti was there last year on August 15th? A. Yes.

Q. Do you know that she worked from 11 in the morning until 6:45 in the evening on August 15th, 7 $\frac{1}{3}$ hours? A. No, I did not know the exact number of hours.

Q. Do you know she only had a peach for lunch? A. I did not know that.

Q. You would not approve of it if you did? A. I remember her telling me once that she had worked in the shed the day before. I scolded her for it.

The CHAIRMAN: When she told you that did you tell her our Commission had been there?

The WITNESS: No, she went the day after, I think, and she said she earned seventy-eight cents that day, I remember. That was her first attempt at working in the bean snipping shed.

Q. After school she went back to work at night, went back because her parents made her? A. No, her parents did not care to have her work. I know that.

Q. Do you say that the children against the wishes of their parents insisted on working? A. I remember two days when she told me she had been snipping beans. I remember two cases distinctly she told me she been snipping beans, and she mentioned the amount of money that she had earned, and then she came back to the school because she was very assiduous at sewing. She was a very bright little girl, as smart as any child thirteen or fourteen years old.

Q. How long did she say she had worked when she earned this seventy-eight cents? A. She did not say.

Q. Was that the day she started at 4:30 in the morning? A. She did not say.

Q. Did you ask her what time she began? A. No.

Q. Did you ask her how long she took to earn the seventy-eight cents? A. If she told me, or if I asked her, I have forgotten about it.

Q. Let me show you what the record is. It shows how you can be on the ground and not be informed. A. Among so many children, naturally.

Q. August 16th was the day after she first worked, and I presume then you scolded her. She started at 9 and worked until 12, three hours. That was the result of the scolding. The next day she recovered and started in, in violation of orders; I understand she started at 7:30 and worked until 10:30. From 7:30 until 10:30, that is three hours snipping beans. She ate a little bread and butter for lunch and then worked four hours, making a total of seven and one-half hours. Did she tell you that? A. No.

Q. The next day, Sunday, she did not work, and on August 20th she started at 4:30 in the morning and worked until 7:30 snipping beans. Then she was off until 11 o'clock, and then she worked from 11 until 12:30. Did she go to school in between? A. Possibly.

Q. You would not know what she did before school? A. No, not unless she told me.

Q. You had no way of telling that she had been working from 4:30 to 7:30? A. Not unless I went into the factory.

Q. You never got around as early as that? A. I went to the factory every morning before going to the school.

Q. But before 7:30? A. No.

Q. To get to work at 4:30 A. M., that child would have to get up at 4 o'clock? A. At 4 o'clock, yes.

Q. Then she went to work, she said, and stopped at 12:30, and went back and worked until 6, and then stopped half an hour, and worked until 9:30. Total time of actual work, twelve and one-half hours. Of course that is outrageous. A. Too much for a child.

Q. Would you not put it stronger than that — too much for a child — even of a child eleven years of age? A. (No answer.)

Q. Did you know that on the following day, after getting through at 9:30 —

The CHAIRMAN: This same child was working against the wishes of her parents?

The WITNESS: Yes.

Q. On the following day she started at 4:30 A. M. and worked until 7 A. M. snipping. At 7:30 A. M. she stopped for half an hour to wind up the machinery, I suppose. She started at 7:30 and worked until 12 o'clock noon. She did not go to school on that day, did she? A. Evidently not.

Q. Then she stopped half an hour and worked until 5 o'clock in the afternoon; total eleven and one-half hours. That was not the day that she came to you and told you that she made seventy-eight cents? A. Possibly. I do not know what day it was. I do not remember the date.

Q. Now, Miss Bowen, these things can be going on, and you would know nothing of them? A. Naturally there would be a great deal.

Q. Parents might say to you that they did not want their children to work, and then secretly put them to work? A. I do not think that was so in that case of Millie Vecanti.

Q. Do you think that this child would get up at 4 o'clock in the morning and work, and do that for two or three days unless she was forced to do it? A. It does not look so on the face of it.

Mr. CONNOR: Is that from the testimony of some witness?

Mr. ELKUS: From the testimony of Miss Chamberlain. This is the diary she kept of the two children. A diary she kept. She put these things down.

Q. On August 22d this same girl only worked four hours. She had worked eleven and one-half hours the day before. There was no record kept by the factory itself of the time the children got through? A. In the bean sheds, no.

Q. Did they keep a record of the time the women were working in the factory itself? A. I believe so.

Q. They were doing work by the piece? A. Yes.

Q. Did you see the children carrying these boxes for beans after snipping them up to the place where they would get the ticket? A. I saw them delivering them on a sort of slide. They were pushed along on a slide.

Q. On that day she worked four hours. On the next day, August 23d, from 1 p. m. until 6:30. She went to school in the morning? A. Yes, morning and afternoon. Every day the same children would not come in the morning, perhaps they would come in the afternoon.

Q. Have you got the record? A. No, that was turned in to the North American Civic League.

Mr. CONNOR: I have the daily reports, if you wish them.

Q. The North American Civic League has the record? A. They have the record of the daily attendance.

Q. On August 24th this same girl worked from 11:30 a. m. to 6 p. m. She did not stop for lunch. From 11:30 until 6, that is six and one-half hours straight. You would not approve of that, would you? A. No. I do not think it is credible, hardly.

Q. You do not doubt it? A. It does not seem credible on the face of it — in the case of these particular children.

Q. You did not think it was credible in the case of the woman whose record I read who worked ninety-two and one-half hours a week? A. No, sir.

Q. Yet we had the superintendent's testimony for that? A. Yes.

Q. Of course you did not know that these things were going on? A. I was not aware of every factor in the situation.

By Commissioner PHILLIPS:

Q. As a matter of fact, you had nothing to do with the working hours of the women and children in the factory? A. I had nothing to do with the office regulations for keeping hours.

Q. You do not want to give the impression that you are testifying about the hours of labor of women and children in the factory? A. I know nothing about that.

By Mr. ELKUS:

Q. August 25th. She says she does not know the hours of work. On Sunday she worked none. On August 26th, that was Monday. Did you know that this child of her own free will worked from 4 in the morning until 7:30 in the morning? A. No.

Q. If she worked during those hours you would not say she worked of her own free will? A. Hardly.

Q. If she started to work at 4 o'clock she would have to get up at 3:30? A. Yes.

Q. And then she stopped half an hour and then she worked from 8 until 12:30, and then she was off a half an hour and then she worked until 6, and then she worked from 6:30, she stopped a half an hour, and then she worked until 10, a total of 16½ hours? A. Yes.

Q. Do you think that is outrageous? A. I am surprised to hear of it in that case. There are some of the people there, the Italian people, who consider their children as so much money value. That was the greatest contention we had to meet when we first went there, to try to make them realize that the children should be prevented from working even in the factory sheds, but they should be sent to school. The factory authorities felt that they must put an age limit somewhere and they put it at 10 years of age. All summer we had to meet that complaint in trying to keep the children under 10 years of age out of the factory sheds and from picking. You understand, the disposition of the mothers at the beginning was to make money out of the children.

Q. You told us in the beginning the mothers did not want them to work? A. They did not force them. We met those people all summer.

Q. What you are trying to bring out is that you were honestly mistaken, of course? A. Yes.

Q. You were misinformed on this subject? A. Yes.

Q. These children were forced to work by their parents. This riot, when the woman bit the man's finger, that was in the latter part of August? A. I believe so.

Q. After you had been there two or three months? A. Yes.

Q. Let us go on with that child. She worked 16½ hours. The next day she started in again at 6 o'clock in the morning. She had only stopped at 10 the night before. Now, of course, if that child did that she was forced to do it? A. It would appear so.

Q. She worked until 10:30, and then she was off an hour, and then worked steadily from 11:30 to 6 p. m., then was off a half an hour, and then from 6:30 to 10 p. m., a total of 14½ hours for the next day. (No answer).

Q. Do you know a boy named Jack? A. No.

Mr. CONNOR: I would be glad to have the name there. I have not that name.

Q. Do you know the day the Commission was there, the small children who were working were sent out of the sheds by the superintendent? A. No.

Q. Now, Miss Bowen, if you had known of these conditions which have been disclosed to you by the testimony of Mr. Mulry, the superintendent, and which were testified to by Miss Chamberlain, you would have protested against it, would you not? A. I would have tried to cope with the situation.

Q. Don't you feel that you were put there as sort of a respectable, a very highly respectable cloak to cover up all these things and that you were kept in absolute ignorance of the real condition? A. No, I do not, because I had the freedom of the place.

Q. Although you were there three or four months? A. Yes.

Q. You believed that this child, Millie Vecanti, never worked except when she did it of her own free will? A. Yes.

Q. You are surprised to find that she was at work at 3 or 4 in the morning — that was before 7 o'clock, you would not know of that? A. Yes, I would not know of it.

Q. And you are surprised to find that this woman, whose record I gave you, worked 92½ hours in a week? A. You see my work had nothing to do with the hours of labor.

Q. Did you ever see the children at the factory, with their fingers tied up? A. No, I never did.

Q. Did you ever see them tied up in shawls in the early morning when it was cold? A. No, I did not.

Q. You did not get around before the sun was up? (No answer.)

By the CHAIRMAN:

Q. When you say that you decided finally, or that the factory owners decided finally that the age limit should be ten years in the shods, were you in that conference? A. No.

Q. If you had been you would have insisted upon a limitation of an older age? A. I think it would have been more advisable, yes.

Q. You do not, as a worker interested in the welfare of our people, think it a very healthy thing for children of ten years of age to work? A. No, it is not a good thing, but the children who worked were between 10 and 14. I had many children in the school up to 14 years of age.

By Mr. ELKUS:

Q. Do you believe that a child even of 13 years of age should work 16½ hours a day? A. No, I do not think they should.

Q. Do you think a child of 14 years of age should work that time? A. No, not every day.

Q. Do you think a child ought to any day? A. Perhaps for a few days.

Q. Don't you know that the Labor Law of New York provides that children under 16 and over 14 years of age may only work 8 hours a day? A. Yes, sir.

Q. Do you not believe that is a good law? A. Yes.

By the CHAIRMAN:

Q. What is your own opinion as to the age limit at which the children should begin to work? A. Well, I can only judge from my own experience, I commenced to work when I was 12 years old.

Q. I commenced to work when I was 11, but I think I would be a better and healthier man, perhaps, if I did not have to work at that age. A. Maybe.

Q. What is your opinion as to the age when children should begin to work? A. That is very hard to say because the children are different.

Q. Do you expect to go back to the Olney factory next year as a social worker? A. No, I am no longer with the North American Civic League.

Mr. ELKUS: Are you doing social work now?

The WITNESS: No, sir.

By the CHAIRMAN:

Q. Did you have any disagreement? A. No, I simply undertook to do that work and the work is finished.

Q. You were paid by the Civic League? A. The Civic League arranged with Mr. Olney. He was to pay expenses. I reported to the Civic League.

By Commissioner PHILLIPS:

Q. Did you not get any idea from the Civic League as to the age at which children should commence work; did they give you any instructions as to the supervision of the work? A. Not as to the age limit, no.

Q. In what way did they supervise the work? A. They laid out plans for me to follow in the way of education and general welfare and I reported to them every week, and they assisted me with suggestions, and the head of the Civic League visited me from time to time, and we considered the best method, going over certain details of the work.

Q. Did not you hear while you were connected with this factory that the children were working in the early hours of the morning? A. One or two mornings in the bean picking time the children

informed me when they came to school that they had gotten up early that morning.

Q. You did not hear at all of any of the children working at that hour? A. I did not hear of the children working, no.

Q. You would not see that? A. I did not go into the fields to see.

By the CHAIRMAN:

Q. You did not go to the sheds in the early hours of the morning? A. Not before 7:30 or 8 o'clock.

Q. So that really outside of attending to your duties at the school you paid very little attention to what the children were doing? A. Only as I missed them from school, or when it would be recorded that they were in the bean sheds, I would go and get them out and bring them back to the school.

By Mr. ELKUS:

Q. Did you have to do that frequently? A. Not very often.

Q. About how many times? A. Perhaps a dozen times.

Q. When you went to the bean sheds to get them you would find them snipping beans? A. Yes.

Q. These were children under ten? A. Yes.

Q. How old were they, six, seven or eight years? A. Eight, nine or ten, quite big. They would go around into the back streets and get into the sheds that way.

Q. Did they do that of their own free will, or did their parents make them do it? A. I was of the opinion that they did it voluntarily.

Q. After hearing the testimony that I read to you, have you not changed your mind? A. Somewhat.

The CHAIRMAN: You told us that the parents wanted the children to work?

The WITNESS: When I first went there, yes. They would tell you that they were only living there to earn money.

Q. Could not they earn enough unless they made their children work? A. I do not know as to that.

Q. Did you ever hear any complaint that they had to buy their groceries from this padrone? A. No, I did not, because many of the families sent to Buffalo. I myself had stuff shipped from Buffalo, to accommodate them.

Q. They came to you and got you to buy stuff and have it shipped from Buffalo? A. No, the families there had brothers or sisters in Buffalo, and when I went to Buffalo on one or two occasions these sisters or brothers would buy stuff and ship it back as I went to the people at Albion, so that they were not obliged to buy from the padrone. They did not have to buy from him.

By the CHAIRMAN:

Q. Are you doing social work now? A. No, I am not.

Q. You are in a different line? A. In a different line of business.

By Mr. ELKUS:

Q. What business are you in? A. I am at present private secretary to William H. Swanson.

Q. I want to ask you as a lady who has had some experience. Here is a time card of a woman who worked in one of the canneries: these are the exact number of hours: Monday, 15 hours; Tuesday, 20 hours; Wednesday, 21 hours; Thursday, 19 hours; Friday, 21½ hours; Saturday, 21 hours, total 117½ hours a week. Do you think any woman ought to work that number of hours a week? A. It does not seem possible.

Q. That is a photograph of the time card? A. Yes.

Q. You do not think it possible for a woman to work that long, do you?

(No answer.)

Q. It seems so strange to you that you say it does not seem possible? A. No, it does not.

Q. We have had a case where a woman worked 123½ hours. I suppose Mr. Connor, my friend here, would say that she had a family of eight children and was as young and felt as good as when she was a child.

Mr. CONNOR: The name of this girl was Florence Laney?

Mr. ELKUS: Yes.

By Mr. CONNOR:

Q. She was a grown woman, as large as you are? A. As large as I am about, yes.

Q. Do you know that a physician had filed the usual certificate with the Burt Olney people and this showed she was sixteen years of age? A. I did not know that. She was not a member of our settlement.

Q. What in your judgment was her real age? A. I should imagine she was fully sixteen.

By Mr. ELKUS:

Q. Even if she were sixteen do you think she ought to work from 4:30 in the morning and to work those hours that I mentioned to you? You are a lady and a social worker, what do you think? A. Candidly, I do not think she could stand that number of hours.

Q. I mean for a week? A. To keep that thing up repeatedly of course one cannot do it. On occasions for one day, that would be different.

Q. You mean for one day? A. On occasions, yes.

Q. I mean for a week steadily?

Mr. CONNOR: I show you the weekly report beginning from June 21, 1912, and extending over the period of your employment at the factory.

The WITNESS: Yes.

Mr. CONNOR: And I ask you if those are duplicate copies of the duplicate reports sent by you to the civic organization that you represented?

The WITNESS: Yes.

Mr. CONNOR: May I have those marked as exhibits?

Marked Exhibit No. 1, December 10, 1912.

MADELINA DE ROSSI, a witness, being first duly sworn, testified as follows:

Examination by Mr. CONNOR:

Q. Where do you live? A. In New York.

Q. Where were you employed last summer? A. At the Albion Canning factory, the Burt Olney Canning factory.

Q. And you are assistant to Miss Bowen, the last witness? A. Yes.

Q. And you were employed with her in school work? A. Yes, from the 6th of July until the 20th of September.

Q. I think you told me you were a native of Italy? A. Yes, from Pistolia, near Florence, Tuscany.

Q. In your work at the school what part did you take? A. I had the kindergarten children, the children under ten years of age.

Q. Did you while there have any complaints from the children that they were compelled to work long hours? A. No, not from the children.

Q. Did you hear complaints from the older ones? A. No. Sometimes they complained because they could not go in the bean sheds and work.

By Mr. ELKUS:

Q. The children or the parents? A. The children.

Q. They were anxious to work? A. Yes, they wanted to earn some money.

Q. Did you know Mr. Gillette, the time keeper? A. Yes, I have seen him. I didn't know him personally. I have seen him passing through the canning factory when I went to the school.

Q. Did you ever hear anything indicating that he was making improper proposals or using any improper language to any of the help? A. I absolutely heard nothing about that.

Q. Did you hear anything of that nature in or about that factory at any time during your stay there? A. No.

Q. From any of the Italian girls? A. No, not from any girls I spoke with.

Q. Are you familiar with the home life of these people at the Burt Olney canning factory? A. I worked voluntarily a whole

winter with the Civic League; helped in the domestic education. Went into the homes helping to Americanize the Italians.

Q. And where did these people live? A. They lived in Buffalo in Swan street and Peacock street and Seneca street, that quarter. On the west and the east side, but the west side is the worst, I think, the houses there.

Q. How do you think their life at the Burt Olney factory compares with their home life and surroundings in Buffalo? A. To my way of thinking — when I went to the factory I had no idea of what the factory was like. I had never been in a canning factory before, so that I thought it would be much more dull and more dismal. When I compared the houses in Buffalo, where they lived, and the shanties and small cottages where they live in Albion, I thought they were very much better, for the children especially. They could go out and enjoy life, get the country air, and that was good for them. Very often, twice or three times a week I went out for walks with them, and sometimes I had forty, sometimes thirty, and we went generally to the spring, where there is a brook, and they used to wash their hands and pick flowers, and there they would see these beautiful things and they enjoyed that very much.

By Mr. ELKUS:

Q. Did anybody drink from the brook? A. From the rock spring, yes.

Q. Not after they had washed their hands, did they? A. Oh, no, they had a foot bath.

Q. In the spring? A. In the brook.

By Mr. CONNOR:

Q. Are you familiar with their home life in Buffalo, and their home life about this factory? A. Yes.

Q. In your judgment was it bad for these children to have been brought to Albion during the summer there while they were employed in the factory? A. I think for the children I had it was a good thing, because they enjoyed it.

Mr. ELKUS: When they were with you they were very pleasant? A. When they were not with me I do not think it was un-

healthy, because the conditions were good. They would go out and pick apples. This year the crop was very rich, and they would tell me about so many beautiful things. I do not think they were so unhealthy.

The CHAIRMAN: These children were under ten?

The WITNESS: Yes.

By Mr. CONNOR:

Q. Did you know the children over ten years of age that were in the sheds and in the factory? A. Yes, sometimes when there was not a rush season, the girls would come over to the school and work with Miss Bowen, and then I had all the other children, and then I had to teach all the others.

Q. Did you see anything in their life in and about the factory or in the employment as to its effect upon the children indicating to you that it was bad for them? A. I have not seen anything. We had no sickness during the time I was there. Of course, sometimes they would fall down, or had some sores, but no sickness at all.

Q. Did you assist in the washing of the hands of the children from day to day? A. Every morning.

Q. Were those children employed in snipping beans? A. No, I had especially the kindergarten children, and the children under ten years of age. I saw that their hands were all right.

Q. Did you see anything indicating that the children's hands were swollen or chapped? A. No.

Q. I mean those employed? A. I had not very much to do with them.

By Mr. ELKUS:

Q. Did not you hear the older children complain about their fingers being swollen? A. No.

Q. Were you there when that riot happened about the younger children, when the woman bit the superintendent's finger? A. Yes, I heard about that.

Q. That was because they would not let the little children go to work? A. Yes.

Q. And the mothers were fighting with the superintendent? A. Yes.

Q. They wanted the children to go to work? A. Yes, very bad.

Q. And these little children did not want to work, did they? A. Some of the children were very anxious to.

Q. These little children you had with you, did they want to work, were they anxious to work? A. Sometimes they would cry because the elder sisters got by, and the mother would give them something to console them for staying home.

Q. And they cried because they were not allowed to work? A. Yes.

Q. Did you know of children from ten to eleven years of age going to work at 4:30 in the morning? A. No, I was not up then.

Q. You were not up yet, you did not get up until eight o'clock? A. Yes.

Q. And those things might have happened, and you would know nothing about it? A. I had charge of the kindergarten, the children in the school.

Q. They kept you busy? A. Yes, I was very busy, because I had a big attendance.

Q. These people who live in Buffalo, you say they live in a very bad part of the city? A. Very bad, very poor. The conditions are worse than in Sicily, because in Sicily they have got the pure air, and in Buffalo it is a bad climate.

The CHAIRMAN: Swan street is not so bad.

The WITNESS: I think the houses are regular chicken houses, especially Peacock street. I think I never saw the equal of that.

By Mr. ELKUS:

Q. So that any conditions under which they lived in Albion would be better than the conditions in Buffalo? A. I am quite convinced of that.

Mr. ELKUS: I think that is all.

By the CHAIRMAN:

Q. How many children altogether were there in the Albion settlement under ten years of age; you would not know that

except by the number that attended school? A. We had sometimes twenty. That included little babies. Sometimes we had little babies, two months old, who would come if their older sisters would bring them.

Q. You had no other way of knowing what the number would be under ten years of age, except by the attendance? A. Yes, and going around and talking with the people in the shanties, and talking with the mothers.

Q. And if the mothers told you they had children under ten years of age you would know it? A. Yes.

Q. And if they had said nothing about it, you would not know? A. I would not know exactly the year of their birth, when a child was born, but I would be able to judge from their height.

Q. Did you keep any record of the number of families living there and the number of children in each family? A. Miss Bowen did.

Q. And you did not have any such record? A. No.

Q. So that personally you were in no position to know how many children there were under ten years of age? A. Exactly, if you want to be exact, I would not know the exact number, no.

By Mr. ELKUS:

Q. Do you know how long the parents worked, the mothers worked? A. In the season they worked too long hours.

Q. Eighteen hours a day? A. Yes, I do not know the exact number.

By the CHAIRMAN:

Q. You would not want to work eighteen hours a day? A. Sometimes, perhaps.

Q. What time did you get up in the morning, at eight? A. No, at seven. The work in the canning factory is pleasant in a way, because it is not dirty work. The children see beautiful things, they enjoy it, being at the factory. It is not like in a city like New York, in the tenement houses in New York.

By Mr. ELKUS:

Q. It is very noisy in the cannery? A. Yes, but not in the shed.

THE CHAIRMAN: You were paid by Mr. Olney. A. Yes. It was half volunteer work. I was supposed to be there four days a week, and I went the whole week; sometimes I went on Sunday and took the children to church.

By Mr. ELKUS:

Q. This riot that took place, was that in the latter part of August? A. Yes,—I do not remember exactly.

Q. The Italians, the mothers, they said to you, did they not, that they had a right to have the children work, did they not? A. Yes, sir; they are very hard.

Q. Hard on the children? A. Although they love their children, they do not love them in the right way sometimes. They think they must bring in something and that is the Italian idea. They like to have children because they help to lift the burden.

Q. The more children the more work? A. Yes.

By the CHAIRMAN:

Q. You do not believe in that principle of putting young children to work? A. I do not believe in it when they work too long hours, but I think those over ten years ought to do some work, not being lazy all the time, because the children in our country work always; they pick grapes and clean the barns.

THE CHAIRMAN: It is a little different here though. We have investigated some of the canning factories. I used to have beautiful pictures painted to me of the wonderful advantage it was for children of ten or eleven years of age to work in the open air, but I saw it, and it is quite a different thing.

THE WITNESS: Children under ten years of age?

THE CHAIRMAN: Yes, under ten and over ten.

By Mr. ELKUS:

Q. Did you see Miss Dreier when she was there? A. I think she was there when they took a picture of the school. That day they had about sixty, an attendance of sixty.

Q. Did the children tell you they knew the commission was coming? A. They would always run to me and say the inspectors were there. They considered that to be a great event.

Q. Then they were kept out of the sheds on that day? A. I do not know that. They were kept out generally. Once one left the school and went around, and one of the watchmen asked me, told me that one of the girls was over there, but I could not believe it—she looked older. I know she was, because she was the oldest of six children.

Q. She was more than ten, because she was the eldest of six? A. Yes.

Q. Could not she be possibly ten? A. I do not think so.

By the CHAIRMAN:

Q. Do you think where children go to school during the winter season, and they get a vacation of two or three months during the summer, do you think it is better for those children to devote that time to working in a canning factory or anywhere else rather than being permitted to play, and such things? A. No, sir.

Q. Is not that the idea in giving them a vacation? A. I think children must have a childhood, and they must have freedom, but I think if they can have just a little work, then it will not spoil them.

Q. Just a little work? A. Some work.

By Mr. ELKUS:

Q. The Italian men and women age quickly, more quickly than any other people? A. Yes, but they are stronger than your people in this country.

Q. But a woman of thirty, an Italian woman of thirty, who has worked from the time she has been a young child, looks like a woman of sixty? A. Yes, but they are married at fifteen years of age.

Q. Assuming that, they look like our women of sixty when they are thirty? A. Yes, in Sicily, that is a very poor country. That is not true all over, though. That is not so in Tuscany.

Q. You see them bent over. They look much older than they are? A. That is not true in the extreme north. That is not so in Tuscany. In Tuscany our peasants are the best kept of all Italy.

The CHAIRMAN: No matter what they do in Italy, I think America wants to do just a little more for its children than the citizens of any other country are doing?

THE WITNESS: Yes. We were speaking about the physical condition, and I have seen our women, peasant women, and they are stronger than your women in the same condition.

By Commissioner JACKSON:

Q. Italy prohibits the working of women nights? A. I do not think they work in the factories at night. I am not sure. We have not so many canning factories.

Q. They have stopped that, they have stopped the night work? A. There are very few canning factories.

MR. ELKUS: Do you know whether the bakers are allowed to work at night?

THE WITNESS: Yes, but they have strikes. I do not think they do it any more.

MR. CONNOR: Most of the people in the cannery were from Sicily?

THE WITNESS: All except one.

MR. ELKUS: Did you have anything to do with the children who lived in Albion?

THE WITNESS: No, sir.

MR. CONNOR: May I have the privilege of filing three or four short affidavits?

MR. ELKUS: What are they?

MR. CONNOR: For instance, there is Mr. Gillette's affidavit, denying what has been put up to him. We do not want to take the time of the Commission by calling these witnesses here.

THE CHAIRMAN: You can file it with the Commission if you want to and we will read it over in the course of our deliberations.

MR. ELKUS: It will not be a part of the record.

MR. CONNOR: I do not ask to put it in as part of the record. It will be in the nature of an accompanying brief.

THE CHAIRMAN: You may do that.

Mr. ELKUS: When will you have your memoranda ready?

Mr. CONNOR: We will have it printed very promptly.

Mr. ELKUS: Let us have it in the next two or three days, by Monday, because I am waiting for it to draft legislation. I will be very glad to have your suggestions as to the proposed regulations.

Mr. CONNOR: We will file it by Monday. We more than appreciate your second hearing and courtesy extended to us in giving us this second hearing.

Mr. ELKUS: I think the record ought to show that Mr. Burt Olney was here.

HOWARD W. CLARK, a witness, recalled for further examination, testified as follows:

The WITNESS: I refer to the records furnished Mr. Connor by Mr. Potter. I am interested in a fruit cannery, and we would not come under the first description of Mr. Potter, nor do I think we would come under the last, women working 117 hours a week, but would come under the one in the middle here, among those who have worked women overtime. As I explained, at the hearing at Albany, our work is divided into two classes, piece workers and hour workers. About 90 per cent. work by the piece and start at seven in the morning. They quit at noon and start at one, and they never work later than five. The other 10 per cent are composed of women, another series of helpers, who have to start earlier than seven in the morning, and have to work after five at night, because the work in a canning factory is of such a nature that when we have started with a lot it has to be cleaned up. I do not know just what data the Commission has about the conditions in our factory. An inspector, Mr. Brown, I think it was, came during the summer and only spent a very short time there, and we gave him such data as he asked for, but in talking with other factory owners I find that the investigators of the Committee spent much more time at a number of the other factories.

Mr. ELKUS: You did not feel jealous?

THE WITNESS: I felt we were a little bit slighted. I felt slighted that the Commission itself did not visit us when they were in Rochester, when they visited Rochester. We would have been very glad to receive them. When I found that the investigator spent two or three weeks at the other factories it seemed to me that either we were too small — well, that we were not of enough importance, and if the Commission had seen fit to call upon us they would have received our assistance.

MR. ELKUS: You see, Mr. Clark, we could not go to every factory, that is the Commission. We went to nearly every factory, but we could not go to every one.

THE WITNESS: I found upon the testimony that I heard, it appeared as if the Commission tried to go to the factories where the conditions were the worst.

MR. ELKUS: You are entirely wrong about that, because we went to a number of factories where we found the conditions were excellent, and we went mostly to the country factories, and not to those in the cities, because we were told that the conditions in the country were particularly good for young children.

THE WITNESS: In the testimony I heard at Albany, most of it dealt with bad factories. Furthermore, the canning factories in general in New York State have for the last several weeks got a good deal of free advertising which the good factories, especially, do not appreciate, and there is no distinction made in this newspaper notoriety, they are all lumped together.

MR. ELKUS: We are not responsible for that. Mr. Potter made the inspection, and when we got through he made a report to the Commission, about all the canneries he examined, and he had been, or his assistants had been I think, in every single cannery and when he got through he was complimented by counsel and you were present, for the absolute fairness of his report.

THE WITNESS: As a matter of fact, will you advise me just which of the categories our factory comes under?

MR. ELKUS: I am not here for that purpose.

The CHAIRMAN: We are not characterizing any particular factory. We want to seek a remedy for the conditions where they are bad.

Mr. ELKUS: No doubt every factory has good points.

The WITNESS: It would be of value to us, because we have to compete with the factories in other states, and there is not any question but that our competitors, when they go out for business after January, use these reports against us, and if the good factories in New York State could be given such a report by this Commission, an alibi as to these charges, it would be of value to us. I do not know what your reports as to our factory are.

The CHAIRMAN: I do not know whether you intend that sarcastically or not, but so that your mind may be cleared up, this Commission is not in the business of booming any one particular cannery as against another. Why don't you be fair minded about this thing. We presented our evidence in the city of Albany, and you with the rest of the canners, many of whom have very excellent canneries were there and heard the testimony, and after you heard the testimony we gave you, through your counsel, I gave my personal invitation to every canner present, an invitation to come forward and disprove anything that had been alleged by the investigators, or to explain anything that had been permitted. That is all we did, and that is all the interest we had in these investigations, that is, to bring out the facts, so that we can make conditions better in our State. You want to do that and we want to do that. We want things to be getting better, of course, than they are to-day.

Mr. ELKUS: In no case did we find in any cannery that the products were canned under unsanitary conditions.

The CHAIRMAN: Exactly; no contention was made about unsanitary conditions. There is no such evidence before us.

The WITNESS: You know that certain newspaper articles have been declaiming against us?

The CHAIRMAN: The Commission is not responsible for anything stated in the newspapers.

The WITNESS: Referring to the hearing at Albany, you will remember that the hearing started about ten o'clock, and it was nearly five when you finished with the investigators, and then the canners were given a chance, and Mr. Connor was called on.

The CHAIRMAN: You are not fair again. I stated as a matter of record that we would stay there until midnight, if necessary or devote any other time, if the canners did not have every opportunity to present any evidence as to any particular factory to the Commission.

Mr. ELKUS: Mr. Connor stated he did not want to call any more witnesses.

The CHAIRMAN: And he thanked us for the opportunity he had had, for the fair hearing he had had on behalf of his clients.

Commissioner PHILLIPS: The canning industry is protected by the Chairman's statement to counsel that we found nothing unsanitary in the factories in this State. I think the press ought to send that statement -- give it the same publicity as they have other matters.

The CHAIRMAN: The advice as to that applies only as to Mr. Phillips himself. The Commission does not desire to advise the press one way or the other.

The WITNESS: I would like to state with regard to the second hearing. After Mr. Connor closed his case for the canners I and another volunteered --

The CHAIRMAN: Now, let me recall to you all it was: you remember the statement was made -- if I am wrong I wish you would correct me -- that women who were employed in the canneries desired to work long hours in order to make a good salary, and that no one ought to prevent them from working those long hours.

The WITNESS: Adult women, yes.

The CHAIRMAN: That is your idea of the duty of government.

The WITNESS: Yes.

The CHAIRMAN: I think the majority of the people of the State are against you on that proposition.

The WITNESS: I am just giving my own opinion, of course, and I may be out-voted, but you asked me my opinion.

Commissioner PHILLIPS: Are you in favor of repealing the statute against attempted suicide, making it a felony?

The WITNESS: Yes I should be. I think if a man wants to take himself out of this world he has a right to do it.

Commissioner PHILLIPS: That is your idea of it?

The WITNESS: Yes.

Commissioner PHILLIPS: You are at least consistent.

The WITNESS: I received an invitation from Mr. Elkus to attend the hearing and be heard and I replied that I would like to be heard, but I was not called, nor asked to volunteer. There were other canners who desired to be heard.

Mr. ELKUS: That is not true, that there were other canners that desired to be heard who were not allowed to be heard. The Chairman and counsel both stated that if there were any others who desired to be heard, we would be glad to hear them.

Mr. CONNOR: I think that is true.

The CHAIRMAN: The record would be against you on that point and I think you should consider before you make such statements.

The WITNESS: Did not another canner stand up?

Mr. CONNOR: We might qualify this in this way, I think there were one or two others who had in mind that they might cover some point by being heard, but they did not bring it especially to my attention and it passed along, and they were not so tenacious about it.

The CHAIRMAN: You did not bring it to the attention of the Commission, because before the hearing was closed I stated that

if there were any other gentlemen in the room who wanted to be heard on this question that they might come forward then, and there was no response.

Mr. CONNOR: That is quite true.

The WITNESS: I have here data going back two years showing the number of women employed in our factory under sixty hours, also the number of women employed over sixty hours, and furthermore a list, in the last column, the maximum hours per week employed by any one woman. That varies from a little over 60 up to as high as 86 in one case. I would like to submit this.

Mr. ELKUS: It can be left with us.

Mr. CONNOR: Let me ask one or two questions on that.

Examination by Mr. CONNOR:

Q. In the first column of the memoranda submitted you have the date? A. The day of the ending of the week.

Q. In the second column is the number of women employed for that period, for a week? A. No, the number of women employed to exceed 60 hours.

Q. And the fourth column? A. The maximum number of hours worked by any one of these women.

Q. These are the only records of that kind? A. Yes.

The WITNESS: Mr. Potter stated that few canneries are able to regulate their work without the use of cold storage. We had a cold storage plant, and I have in this memoranda data showing the receipts per day during the strawberry and cherry season for three years. It shows how the cherry season overlaps the strawberry season, and in the case of 1911, how it overlapped to a greater extent than in the years 1909, or 1910. Ordinarily the strawberry season is out of the way before the cherries begin, but in that year, because of climatic conditions, they were tinned in large quantities right in the middle of the cherry season, and as a result we had to carry a large quantity of cherries in the cold storage, and work them out as we could get to them and we lost by spoilage 35,000 pounds of cherries, at a cost of \$2,100. If we had to confine our

operations by employing women no longer than sixty hours, there is not any question that we would have had a much more serious loss.

By Mr. CONNOR:

Q. In the second memoranda offered, the first column shows again the close of the week? A. This shows the daily receipts.

Q. And the second column? A. The number of pounds of strawberries and cherries.

Q. And the third? A. The third the total receipts of both.

Q. And the fourth? A. The fourth shows the amount of wasted or decayed fruit thrown away because of no value.

Q. And the comparison of the different kinds of fruit, the different processes would indicate the lapping over of one onto the other? A. Yes.

By the CHAIRMAN:

Q. Do you employ children? A. We do not. We employ a few children between the ages of fourteen and sixteen for eight hours a day.

Q. You do not find it necessary to employ children from ten to fourteen years of age at all? A. We do not, no.

Q. And do you think there is really a necessity for it? A. We are located in Rochester and have been able to get an ample supply of women. As to the labor conditions about other factories I do not know.

The CHAIRMAN: Don't you really think that the unfavorable comments which have been made by the press with reference to the canning industry, have been principally due to the prejudice which has been created against it because of the employment of very young children. Whatever one may say, the Commission saw itself little children seven, eight, nine and ten years of age, working in canning sheds. Do you not think it would be advisable for these canners to stop the employment of children under fourteen years of age? Don't you think it would be a good thing for the canning industry?

THE WITNESS: We are able to get along without them. At the same time I do not want to recommend a law for the government of any other canner.

By MR. CONNOR:

Q. You are handling substantially no beans? A. No beans to amount to anything. A few, simply to give work to our people between fruit seasons. The early fruits last from the first of June to the first of August, and the late fruits from the 1st of September until the last of October.

By MR. ELKUS:

Q. Does this record mean that you employ 49 women who work 82¾ hours a week? A. No, 49 women that worked more than 60 hours that week, and the longest that any one of them worked was 82 hours.

Q. This then does not show how long each one of these women worked? A. Upwards of 60 hours.

Q. One or more worked from June 22d to October 12th, more than sixty hours a week? A. You mean the same woman?

Q. I say one or more women did that? A. Yes.

Q. And in the several weeks they worked, one or more women worked 77, 82, 88, 72, 65, 82, 76, 65, 82, 81, 80½, 80½ again, 70½ hours per week? A. Yes.

MR. ELKUS: Is there anything more you want to bring out?

THE WITNESS: Just this: if the present law is to be changed, and there is to be any exception for the canneries in it, I would like the season extended. The present law grants the canners an exemption from June 15th to October 15th. I would like to lengthen that, beginning from May 15th and ending November 15th. I would like to make it May 15th for this reason: We have found it necessary to get a supply of strawberries for our business from the south to last us until the 1st of June when we can get our supply from the local growers and by lengthening the working season that would give us an adequate supply for a growing business. We have to buy early strawberries, and we have to buy those when the market conditions will enable us to do so. We

would like to be able to work women longer hours before June 15th. The other way we want it because we frequently have to carry fruit in cold storage until November, and while they will keep better than out of cold storage, the longer while they are carried, the greater the waste by rotting is.

The CHAIRMAN: Just to clear your mind on the question of the opportunity to be heard given to the canners, let me read you a little part from the record. On page 1636 of the minutes of the hearing at Albany, it reads this way: "Mr. Connor: Now, I have conferred with four or five of the canners and they suggest this: they are here largely on the point that in their judgment after years of experience it is impossible to operate their factories within a fifty-four or sixty-hour limitation, and if we can record their judgment, if we can go on the record for the twenty-five or twenty-six that are present, and want to go on record to that effect, we will dispense with the necessity of holding your Commission and calling each canner individually. I do not see why that cannot be done.

"The CHAIRMAN: That is a matter entirely up to you, Mr. Connor. We will let you do it in whatever way you desire. I do not want to have it appear that we are shutting off anybody.

"Mr. Connor: Suppose we put on the record this, that the canners present, twenty-five or twenty-seven, about twenty-five wish it recorded that in their judgment after years of experience, ranging from five to thirty-five years, that it is impossible in the operation of a factory under the conditions of labor such as obtain in the State of New York, in rural communities, where the factories are located, to confine the hours to a fifty-four-hour week, or to a sixty-hour week limitation." Then down towards the end this appears:

"The CHAIRMAN: Is there any one of the gentlemen in the canning industry who are present, who desired to give testimony on any point to the Commission?"

To that there was no response.

The WITNESS: I want to justify myself for the second hearing.

The CHAIRMAN: You do not need to justify yourself. You are entitled to that. We do not want the impression to go out that there was anybody shut out at any hearing that we have held, who desired to give any testimony on matter pertaining to our investigation. You see the record disproves your contention. I guess you will concede that you are probably mistaken.

The WITNESS: I have had correspondence with Mr. Elkus that does not appear on the record.

Mr. ELKUS: Where is it? We have got that here.

The WITNESS: I asked to be called at the first hearing. You called for a witness, and then the Chairman asked for volunteers.

Mr. ELKUS: Were you not called?

The WITNESS: I had to volunteer, that is all.

Mr. ELKUS: You mean we did not go over and take you by the hand and put you in the witness chair?

The WITNESS: You did not do as you have done to-day.

Mr. ELKUS: At the beginning of the session Mr. Connor said that he would take care of the canners' interests.

MABEL A. CLARK, a witness, being first duly sworn, testified as follows:

Examination by Mr. ELKUS:

Q. What is your full name? A. Mabel A. Clark.

Q. You live in the city? A. Yes, sir.

Q. You are connected with the Clark Canning Company? A. The W. N. Clark Company.

Q. What relation have you with that company? A. I am superintendent and manager.

Q. How long have you been in that position? A. As superintendent fifteen years.

Q. And as superintendent you have had active charge of the details of the factory? A. I do, sir.

Q. The employment of the help? A. Entirely, men and women alike.

Q. How long have you retained employees at your factory?
A. From one to twenty-five years.

Q. You say a woman worked for you twenty-five years? A.
You said employees.

Q. Have you ever had occasion to notice any ill-effects coming from the long hours? A. No, never, not to my knowledge.

Q. Have the women employed there ever complained of the long hours? A. No, sir, never.

Q. What is their connection with the operation of the business that necessitates the long hours? A. Any one who knows anything at all about the canning business knows that it is very seasonal. I think that is understood, probably.

Q. What else have you in mind that you would like to tell the Commission? A. There was a point made by the gentleman on my left in argument with my brother, the statement he made was he thought the State disagreed with the idea that an adult woman should work as long as she wished, and I want to say as a woman who comes directly under the statute, that I have a mind of my own, and am in possession of my senses, and I think we should be allowed to work as we wish.

Q. Just as long as you please? A. Just as long as you please, being an adult and in proper possession of my senses.

By Mr. CONNOR:

Q. How long have you been actively engaged in the work? A. Fifteen years.

Q. What hours have you put in? A. From six in the morning until ten at night.

Mr. ELKUS: That was not every day for fifteen years.

The WITNESS: Of course not.

Q. That is during the active season? A. During the season.

Q. How many hours a week have you worked? A. I have worked I think in excess of ninety. Of course I cannot remember the number off-hand. I will say at least eighty; probably not over ninety.

By the CHAIRMAN:

Q. Do you ever get tired? A. Yes, people always do if they work hard.

Q. Do you ever feel any real effects from it? A. I want to go to bed and sleep.

By Mr. ELKUS:

Q. Are you a partner in the concern? A. I am an officer in the firm, yes.

Q. What officer? A. Vice-president and superintendent.

Q. The last witness was your brother? A. Yes.

Q. And you are a stockholder, I suppose? A. Yes.

Q. You and he own the company together? A. No, it is a corporation. It is not a private enterprise.

Q. You are one of the stockholders? A. I am.

Q. You get more than ten cents an hour? A. Perhaps I do.

Q. You say you work from six in the morning until late at night? A. Did I say that?

Q. Did you not? A. I said at times I have so worked. You remember he spoke of the canning business being seasonal, and I said at times I worked late.

The CHAIRMAN: You can take time off whenever you desire?

The WITNESS: Any one in my factory takes time off when they desire.

Mr. ELKUS: Your dividends go on when you take time off?

The WITNESS: Yes, sir.

The CHAIRMAN: Do you believe the manufacturers should be permitted to employ women and children just as long as they are willing to work?

The WITNESS: I believe that the manufacturers and employers, the women and the children and their employers, should be permitted to do whatever they please that is possible, if it is mutually agreeable. Whenever the employees, the women and the children, whenever they deem that their affairs need adjusting, grievances with the employers, and they think they are being

tied right down, then they can go to the Legislature and have a bill passed.

The CHAIRMAN: Has not that happened?

The WITNESS: No, not in this particular case, no. This movement limiting the hours of labor for women came largely from the social workers. They say that the conditions are intolerable, because they are not on the inside. You gentlemen are not on the inside. I do not argue here that in effect some regulation is not right, but do not go to the extreme. Do not look at it from the broad standpoint of humanity without reference to the facts of the case. I am humane. I do not believe in long hours for any man or woman. So far as it is possible I am in favor of cutting them down.

By Mr. ELKUS:

Q. You would cut down the hours because you think it is the proper thing? A. When I think it is the proper thing I would.

Q. You think now it is the proper thing? A. Irrespective of any law.

Q. You think it ought not to be left to the law but to mutual agreement? A. I say that when the demand for the law is such, coming from the parties in interest, then of course we must submit to it.

Q. You do not expect the demand to come from the employees through the employers? A. I say leave it to the employees themselves.

Q. The employees have spoken for themselves in this case? A. Without solicitation?

Q. Yes. A. Of course I know nothing about the intimate history of this.

Q. You cannot recall a case where after a law had been passed reducing the hours of labor, the laborers went into revolt, had strikes or riots or anything else, because they were not permitted to work longer hours, can you? They have always been satisfied after getting shorter hours, and things have been better in the world generally? A. To my mind it is better to get a law carrying out the express desires of the ones to be affected. Understand I am not speaking for the children only, primarily the women.

By the CHAIRMAN:

Q. You do not employ children? A. We have in the past. We do not now.

Q. You have stopped it? A. If you wish we will tell you just how we employ them, not as to what we might have to do in the future. I do not think any canning factory hires children because they want to hire children.

Mr. ELKUS: I do not agree with you on that.

The WITNESS: I can say from my own experience, when we have tried it it has been unsatisfactory. You cannot make the children work. They are a nuisance, and we want to get rid of them. They do not know really what real business, what real work is. They are not economical workers in the factory.

The CHAIRMAN: We have found some canners that are willing to suffer the tremendous disadvantage of having a large number of children working for them.

The WITNESS: Have you gotten both sides of the question?

The CHAIRMAN: We saw the children working. You cannot have anything clearer than that.

The WITNESS: I have seen children working in factories, and I have seen them working at home and they were perfectly happy. Do you look at children working, do you feel that making children work, that that is spoiling the children?

The CHAIRMAN: I do not know what you mean.

The WITNESS: You have to know the circumstances of a particular case. Of course when we generalize we do not always get right down to the kernel of the subject.

The CHAIRMAN: Don't you think that having children work in a shed or a factory, between eight and twelve hours a day, children from seven to twelve years of age, don't you think that is improper, unhealthy for those children?

The WITNESS: I do not know, because I do not know both sides of the story. To a casual observer it would look decidedly so.

The CHAIRMAN: You say you do not know, then what is the use of discussing it?

The WITNESS: Except as I say I know from what little we have had ourselves that it is not necessarily a hardship.

Mr. ELKUS: You are not married?

The WITNESS: I am Miss Clark.

By Commissioner JACKSON:

Q. Where women are organized in labor unions they always come forward for shorter hours? A. That is perfectly proper. That is the way to do it in the canning industry. When they come forward for shorter hours, give them to them.

Mr. ELKUS: You do not think any woman works from choice twenty-one hours a day, do you?

The WITNESS: From choice? The fact that she works shows that she has something to say about it.

By Mr. ELKUS:

Q. You think she wants to and not because the pay is so small?

A. All I can say is from my experience.

Q. You do not work at ten cents an hour? A. In my own case I have asked some of my employees, those most affected by the law, if I asked them, the heads of departments, if I asked them to work twenty-one hours, I think they would without any argument. I think they would if they saw any necessity for it.

Q. If they did not they would not stay very long? A. No, sir, — beg pardon. We have an arrangement whereby they benefit by doing everything for the business that they can.

Q. You are talking about the foreladies? A. Not only the foreladies, but various others.

Dr. GEORGE W. GOLER, a witness, called for further examination, testified as follows:

Examination by Mr. ELKUS:

Q. You heard the testimony as to the hours of work of the women and children. I want you to give your professional opinion

as to whether it is good for the health and physical well being of the women and the children? A. By no means.

Q. What is the effect? A. That appears in my former testimony. No child with unformed skeleton, with undeveloped muscles, or undeveloped organisms, ought to be permitted to work, either long or short hours.

Q. You do not approve of this theory advanced by the last witness that that is a matter for the child? A. By no means.

Q. How about a woman working eighty hours per week or ninety hours per week, or one hundred hours per week? A. I think there can be no question about the effect upon a woman who works as long as that. She grows older earlier, and her own comfort as well as her life are shortened, and she soon finds her way into some one of the institutions that we are establishing and conducting at the expense of the State.

Q. In other words, stopping the long hours of work really works to the advantage of the State? A. Of course it does.

Q. And purely from a dollars and cents standpoint it is bad policy on the part of the State of New York, because these people sooner or later become public charges? A. Yes.

The CHAIRMAN: And if they become mothers they cannot produce very healthy children?

The WITNESS: Yes.

Q. Doctor, it has been claimed here that these women work only for one week at the very long hours, and that then they have a day of rest and then they work for not quite so long, and that then they work another week at very long hours. Is that bad? A. Well, a man does not let his horse stand out in the cold and rain any longer than is absolutely necessary.

By Mr. CONNOR:

Q. When you speak of these long hours being injurious and driving people to the State institutions, you speak of continuous long hours? A. By no means, sir.

Q. Would you make that statement where the labor is intermittent, working four hours a day, ten hours the next, perhaps twelve

the next and fourteen the following and fifteen the next and twelve the next, and then down to seven again, and then perhaps with a day or two intermission with no work at all, do you think that is such excessive hours as is going to drive people to State institutions? A. I would.

Q. You think a very short period of two or three days excessive hours of work is detrimental? A. I do.

Q. And you do not distinguish that from the work of the sweatshops where they have such long hours in the city? A. No, I think that is just as bad as the sweatshops.

Q. Do you make a distinction, Doctor, between excessive hours for a week or ten days in a country place, at a canning factory and excessive hours running over months in a closed room in the city? A. Certainly, there will be a difference.

Q. What difference? A. There would be the difference that one person would be working outdoors and the other person would be working indoors in a closed room all day, but both would have remote effects. The difficulty, if you will permit me, is that you lawyers want to see the immediate effect of these long hours, whether they would be intermittent or irregular, but we who have thought about these questions believe that these effects upon the body are late and remote and difficult to measure.

Mr. ELKUS: In a cannery, women working in the factory are not working in the open air.

Mr. CONNOR: These factories are more open than the ordinary manufacturing establishment.

By Mr. CONNOR:

Q. I take it you are of the opinion that long hours are a detriment? A. Yes.

Q. And the farmers who get up at five in the morning and finish their work at eight o'clock in the evening, they are abused? A. I think if you go back for two hundred and fifty years among the Yale graduates, you will find that most of the children were brought up in the families of men who were graduates of that great institution, you will find that they were brought up by stepmothers.

Q. Do you want it to go on the record that it is your judgment that that is an advantage, being brought up by stepmothers? A. No, that is not my meaning.

Q. Do you stand on that in a substantial way? A. By no means.

Q. Is it not a fact, Doctor, that the stronger element of our race to-day comes from the rural communities, from the farms? A. I think that is so.

Q. And is it not a fact that the longest hours of any employment to-day are found on the farms? A. I do not know about that, but the mere fact that the longest lived people, that is, the most robust people, come from the farms, that is simply or largely an example of the survival of the fittest.

Mr. ELKUS: I want to show you the time card of a woman who worked in a factory 117½ hours a week, canning factory, and ask you if in your opinion, as a physician, that ought to be permitted in any city?

The WITNESS: By no means.

Mr. ELKUS: That is all.

At 1:10 P. M., the Commission took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

ROCHESTER, N. Y., *December 10, 1912.*

2:10 o'clock P. M.

The Commission reconvened at 2:10 P. M.

ROLAND B. WOODWARD, a witness, being first duly sworn, testified as follows:

Direct examination by Mr. ELKUS:

Q. Kindly give your full name? A. Roland B. Woodward.

Q. In what capacity do you appear? A. Secretary of the Chamber of Commerce. The excuse for my being here is the fact that following your first inquiry in Rochester, the Chamber of

Commerce of Rochester undertook to investigate the clothing industry of the city because of the testimony appearing before your Commission at that time to the effect that the sanitary conditions which were supposed to be existing in those factories were very severely criticised. Our committee has investigated in all, one hundred and forty clothing manufactories in Rochester, which we believe to be a complete list, large and small shops. Our findings are embodied in a report. I do not know what part of that would interest you, but there are a few brief recommendations that we should like to make to the Commission. I do not know whether they will come within your jurisdiction, but they relate to the heating, lighting and sanitary conditions in the factories.

Q. I do not quite follow you; there are suggestions that you wish to make? A. Suggestions that we wish to make that you could embody in the proposed bills.

Mr. ELKUS: We will take it in that form, of course, if they are simply general recommendations. Of course we would be very glad to have you make them, but general recommendations make it just so much more difficult than if the facts could have been shown.

The WITNESS: There is no provision so far as I can find out as to the heating, so that it cannot be regulated. They are not required to be heated.

Mr. ELKUS: I might say this to you. It is the purpose in these bills to reorganize the Labor Department, and among other things to create an advisory board, which will consist of the Commissioner of Labor, and probably five or six other members, one or two of whom shall be women. This Board will be given powers to make rules and regulations which will have the force of a statute similar to the authority conferred upon the Boards of Health of the various cities, and they can make rules and regulations for different cases.

The WITNESS: That would pertain also to fire?

Mr. ELKUS: Yes, practically everything. The statute will simply give the minimum requirements. Certain things will

have to be done in every factory. In addition to those this Board will be empowered to do other things; the suggestions were put in bill form simply for the purpose of discussion; that is all.

THE WITNESS: Bill No. 9,* for instance, you describe a tenement house —

MR. ELKUS: You make your suggestions in your own way, and we will be very glad to hear you.

THE WITNESS: I would like to suggest in reference to that, if the proposed law be made to cover work done in dwellings, and that they be licensed, where they are doing work for factories, such as the factories that we investigated. Bishop Hanna and I visited some homes, especially in the Italian district, which I think should be subjected to the closest inspection.

MR. ELKUS: One family living in a house?

THE WITNESS: Yes, just as the so-called tenement house should be; there is really no difference in the actual operation.

MR. ELKUS: Did you find child labor?

THE WITNESS: We found no child labor whatever. I refer more particularly to the question of cleanliness. We found, as our reports show, minors between fourteen and sixteen years of age in the manufacture of clothing. Our report gives the exact number who had permits from the Health Department, but in the homes we found none of it.

THE CHAIRMAN: What hours did you visit them, when the children would be at home?

THE WITNESS: Yes, and also, Mr. Chairman, we visited them in the summer months when the children were most likely to be working, if at all, because the school laws would not be operative and we believe that there should be no necessity, or it should not be permitted in the clothing industry, and the common fish-tail gas jet should not be used. We think that the lighting of these factories should be covered by the advisory board that would make these rules.

*All tentative bills referred to will be found at the end of this volume.

Mr. ELKUS: You mean that they are not guarded?

The WITNESS: Not guarded.

Mr. ELKUS: The law requires them now to be guarded.

The WITNESS: From the illuminating point of view.

Mr. ELKUS: The law requires that all jets in factories be guarded. The law passed at the instance of this Commission at the last Legislature.

A VOICE: He does not mean to use the word factory there. There are no fish-tail gas burners used in the factories.

The WITNESS: No so-called inside factories. The contracting shops that work for the larger factories.

The CHAIRMAN: Is there much home work in the tenement houses in this city; do you mean right in the homes where these people live?

The WITNESS: There is not a great deal, Mr. Chairman; also it is disappearing very rapidly, because of improved facilities in the larger factories.

By Mr. ELKUS:

Q. They do not find it necessary to do it in the homes? A. No, they do not find it necessary or profitable, but so long as any is to be done we are to have them licensed.

Q. Have you any of the millinery trade here, cutting flowers? A. Not that I know of. I think when Miss Watson, who was investigating for this Commission was here, she found some work done on fancy boxes, and it was the only concrete case where any work approaching the millinery work and cutting out flowers was done.

Commissioner JACKSON: What work is done in the homes? Does that come directly from the factory or through a subcontractor?

The WITNESS: Through a subcontractor usually, although there is some going directly from the large factories to the homes.

Q. When did you make your investigation? Our investigator reports that during the past week he found 200 home workers? A. That is, individuals.

Q. No families? A. In the clothing industry?

Q. Yes. A. That might easily be where there are 8,800 people employed in the clothing industry, that might easily be.

Commissioner JACKSON: There are only a few licensed houses in Rochester?

The WITNESS: They come under the description of tenements. There are a great many homes of German people and Italians, where they take a certain amount of work home. They are not tenements, they are single dwellings.

Commissioner PHILLIPS: You think those ought to be licensed?

The WITNESS: I think they certainly should be. They are handling merchandise just as much as the people in the tenements.

Commissioner PHILLIPS: How would it be to turn it the other way around; instead of preventing them from doing the work, forbid a manufacturer from sending his product out to places that are not licensed?

The WITNESS: We found in the matter of sanitary requirements there was a lack of a clear distinction between the responsibility of the State Department of Labor and the Municipal Health Bureau, where the authority of one began and the other ended. I do not know whether it is contemplated in your measures to clear that situation up so that things would not fail to come under the jurisdiction of either the State or the city. For instance, the city has to do only with the plumbing inspection —

The CHAIRMAN: Except this: Under your charter the health commissioner has the right to inquire into the sanitary condition of the factories for the purpose of preserving the health of the people.

The WITNESS: Yes.

The CHAIRMAN: In that way, they have practically the same jurisdiction.

The WITNESS: The inspection is so inadequate as to amount to nothing. I mean by that, as it has formerly been with inspectors in this city. The inspection was so inadequate, they had so little time for a city of this size, with its great industrial establishments, that the inspection was almost valueless. We found the lighting conditions and the heating, cleaning and ventilating all very good in the clothing industry in Rochester in the main. I do not think I have anything more to say unless there are some questions you wish to ask.

Mr. ELKUS: Of course you can submit a copy of this book. But this is absolutely of no use to us because it is not any evidence of anything that we can place as an exhibit in the case. We would be very glad to take it and read it.

The WITNESS: We have the specific factories investigated.

Mr. ELKUS: Yes, but the investigation was made by some one who does not appear before us.

The WITNESS: I was a member of the committee, if you wish to ask me any questions.

Mr. ELKUS: Were they the same factories that Dr. Goler reported about?

The WITNESS: Supposedly, yes.

Mr. ELKUS: You do not know?

The WITNESS: He reported on the clothing industry in a general way. We went into it specifically, and got a list of the factories.

Mr. ELKUS: I am not going to require anything of you. Dr. Goler was the health officer of Rochester, and he testified before the Commission. We shall be very glad to hear any witnesses that you want to call on the subject.

Commissioner PHILLIPS: Did you go to the factories with the committee?

THE WITNESS: Yes.

Commissioner PHILLIPS: And I understand, Mr. Woodward wants to submit that report as the result of the investigations of the committee, the investigations they carried on, and he is willing to answer any questions.

THE WITNESS: The result was that we did not find any that ought to be wiped out.

By Mr. ELKUS:

Q. Then the factories you found, they were all in perfect order? **A.** No, not by any means.

Q. Tell us some that were not. I do not want to be invidious about it, but you can describe the factories without giving the names and the nature of the conditions that you found in detail?

A. We found a number of the contracting shops, for instance, where there were conditions that we thought were not good.

Q. You found them unsanitary? **A.** We found some of them unclean. We found quite a few of them where the toilet facilities were not only unclean, but the men's and women's toilets were in very close proximity, with a very poor partition between them, which we thought was a very bad thing for a factory. We found some of them with poor arrangements for artificial light, such as I spoke of, the fishtail gas jets, but they were so small a minority that our conclusion, as is shown by our report, was that about 86 per cent. of the workers were working under good or excellent conditions.

Mr. ELKUS: Those of course are all generalities and your own conclusions. I am perfectly willing to let it rest at that, because we are not making any attack on Rochester. That is not the purpose of that Commission. We have called the health officer of this city, as we did the health officers in other cities, and he gave the testimony that he did, but when you come and say you examined 400 clothing factories in Rochester and found a certain percentage of them all right, we cannot say anything more. We do not know anything about that part of it. We made another examination, through our own inspectors, in Rochester during the past week, and we find conditions here just

about the same as they are in the other large cities of the State, no better and no worse. If you wish, we will be very glad to give you the details, their statements, and we have inspectors who made the investigations.

Commissioner JACKSON: Are you able to tell us about how many persons are engaged in this business, subcontracting in the clothing business, in this city?

The WITNESS: I can tell from the report. I cannot say off-hand.

Commissioner JACKSON: Can you estimate it?

The WITNESS: Out of the 140 that we investigated, probably from 90 to 100 are subcontractors, I should say.

By Mr. ELKUS:

Q. You have investigated 140 places; how long did it take?

A. About fourteen weeks.

Q. Who did it? A. Gentlemen named in the report, Bishop Hanna, Mr. Hollister, vice-president of the railway and the light company here; Mr. Bramley, and Dr. Henry H. Stebbins, former pastor of the Central Presbyterian Church and Miss Lee and Dr. Lucius L. Button and myself.

Q. All together? A. In parties of two; two went to each factory.

Q. So that for the 140 you had a committee of about eight or ten? A. Yes.

Q. So that each party of the committee was supposed to examine about twenty or thirty factories? A. Just about, I should say.

Q. Did you do it in the summer time? A. We did it in the summer.

Q. Then the conditions as to cold did not enter into the matter? A. Except as we knew what the equipment was.

Q. Now, the fact that you were making investigations on behalf of the Chamber of Commerce was well known in the city of Rochester? A. Well known to us and a good many others. Apparently it was not well known to most of the subcontractors.

Q. Now, the 140 concerns that you visited were subcontractors?
A. And the large manufacturing places.

Q. Dr. Goler, as I understand, did not say anything about large manufactories, as I understand his testimony? A. His statement was a general statement.

Q. Have you got a detailed report other than the one that you have submitted, of the exact factories that you visited, and the conditions that you found? A. We have the names and addresses of all shown in that report.

Q. That is all you have in addition to this? A. Yes.

Mr. ELKUS: Well, I can only say this to you. We will be very glad to hear what you have to say about Rochester and its conditions, but did you ever examine the plant of Bastian Brothers?

The WITNESS: No; we confined ourselves to the clothing industry. That was the industry covered.

By Mr. ELKUS:

Q. The Chamber of Commerce is interested in all industries?
A. Yes, sir.

Q. Do you know anything about that business? A. I have not been in that factory for two or three years.

Q. Did you ever go to Staub & Wilson's? A. Never have been there; that is a cleaning and dyeing establishment.

Q. How about Stukovitz; have you ever gone there? A. What is the business?

Q. Clothing business, No. 31 Post street? A. I suppose he is in this report, if he is a clothing manufacturer. Yes, we have him here.

Q. What did you find about him? (No answer.)

Q. And the Rochester Button Works? A. I haven't been through the factory; I didn't investigate it.

Q. Did you find unguarded machinery? A. I suppose there is unguarded machinery; there is in most plants.

Q. Did you find dirty toilets for the men? A. I can't recall.

Q. Dirty dressing-rooms for the women? A. No, I have not investigated that.

Commissioner PHILLIPS: Your investigations were confined to the clothing business?

The WITNESS: Yes.

Q. Had you or any of the gentlemen with you any experience in investigating? A. You mean, were we expert investigators?

Q. Yes. A. We exercised common sense.

Q. None of you were trained investigators? A. I suppose not in the sense that you mean.

Q. Have you ever examined any of the laundries here? A. Yes, I have been through the Celso.

Q. The Home Laundry? A. No, I have never been in that laundry.

Q. Do you know that they have unguarded machinery? A. No, I do not.

Q. And the floors are wet at all times? A. I suppose they are; they usually are wet.

Q. The water closets have no seats, and were without vents? A. No.

Q. Rochester is not perfect, but it is no better and no worse than any other city? A. We think it is better, but we know there are some things we found very much needed improvement.

Q. That is the case everywhere. How about candy companies; did you ever investigate those? A. No.

Q. The O. T. Stacey Company? A. That is a large establishment.

Q. That is looked on as a model, is it not? A. No, not as a model. I should say the Whittle candy factory was more modern.

Q. Now, let me tell you something about it; unguarded machinery, unguarded belts, girls standing nine hours a day, toilets dirty, fire escapes inadequate, unguarded shafts, unguarded shafts in cellar where paper and waste are packed, one girl 15 years of age without a certificate, general conditions not clean. A. May I ask, Mr. Elkus, what you regard as an expert investigator?

Q. Somebody who knows what to look for and where to look for it. I think I could go to a factory and I would not know whether it was in good condition or bad condition, except as somebody pointed it out to me. A. For instance, we had a wit-

ness, one of your experts at the last hearing, who testified as to the 2,200 stitches made on a sewing machine and how ruinous it was to the human eye to follow the swiftly moving needle 2,200 times in a minute. Of course that is so silly that two grains of common sense would show it, and if that is the kind of expert testimony you mean we are not qualified, because the human eye could not adjust itself to follow not only the needle —

Q. Did you go to the place where he said this was? A. It is so in all of them.

Q. How fast do you say they go? A. They may move 2,200 or they may move 2,500, or they may move 1,500, or they may move a thousand.

Q. That may be right. A. The human eye does not follow it.

Q. What was the point where it was wrong? A. Why, the human eye following this and the terrible strain that it made upon it.

Q. You mean the human eye could not distinguish the 2,200 times, but don't you think there would be a strain to the eye anyhow? A. No.

Commissioner PHILLIPS: They do not watch the needle at all.

THE WITNESS: The oculists of the city who are conducting the public clinics, who have these people coming to them, say that there is no evidence of strain on the eye from the clothing industry, excepting the eye workers.

Q. I never like to take expert testimony at second hand. The canners produced a stereotyped form of certificate from physicians, it was a typewritten form and the names just had to be filled in, and they certified that conditions could not be improved. A. Have you ever seen one of these machines operate? Have you ever tried to follow the needle with the eye?

Q. Enough to look at it? A. It is not bad at all to follow the stitch.

Mr. ELKUS: I think you gentlemen in Rochester need not feel that your place calls for any comment. Conditions are no better and no worse than in most of the cities. Some of the cities are worse, especially the smaller places.

The WITNESS: The purpose of this investigation is to find out the bad things?

Mr. ELKUS: No, we are not seeking either bad or good things, just the facts, facts enough upon which to base recommendations to the Legislature. They simply serve as indications of what ought to be done to improve things. We are not engaged in exploiting the bad or the good ones. We like to see a model factory; some of them you have here, and they have shown what can be done, especially when the manufacturers come forward and say that it is a matter of dollars and cents to have a model factory. That has been testified to elsewhere, in New York city, Utica, Syracuse, Buffalo, Niagara Falls. We met those manufacturers, and you have a number of them here, intelligent men, who take that broad view of it, and understand the subject, and they are right, but there are many manufacturers, all over the State, who cannot see beyond the length of their noses, and I suppose you have them here.

The WITNESS: Yes, sir.

Mr. ELKUS: But you are fortunate in having some of the right kind. Some of the places have not got any of the right kind. We will be very glad to hear anything more that you have to say, or to hear any of your witnesses as to any suggestions as to any of the proposed bills; we shall be glad to hear from you.

The CHAIRMAN: Did you make these investigations yourself?

The WITNESS: No, personally, I did not make most of them. I made perhaps one-fifth or one-quarter of the total, not alone.

Mr. ELKUS: Dr. Goler is here. Would you like to ask this gentleman any questions?

Dr. GOLER: No, sir. Before this part of the hearing is passed by I would like to make a statement, if you please.

The CHAIRMAN: You made about one-fifth of the investigations with Dr. Hanna?

The WITNESS: Yes.

The CHAIRMAN: He is a practicing physician.

The WITNESS: He is a bishop. He has worked with the Italians for something like twenty years and he knows the conditions thoroughly.

The CHAIRMAN: And in your entire investigations you found no child at work at all?

The WITNESS: We found minors at work between fourteen and sixteen years of age.

Commissioner PHILIPS: Read from the report the number you found there.

The CHAIRMAN: I ask whether you found them yourself.

The WITNESS: No. I wish to make a suggestion with regard to the proposed law affecting fire restrictions, fire prevention. Our organization opposed the State Fire Marshal's office in the bill presented before, for the simple reason that it was not specific in that it crossed lines with the establishment of fire marshals in towns and cities, and the difficulty with that law, Mr. Chairman, is that it is not specific enough in provisions to protect the man who is trying earnestly to obey the law. For instance, a man is remodeling a factory and he puts in the wiring and everything according to the requirements of the underwriters, the National Board of Fire Underwriters. Along comes an inspector from the Fire Marshal's office and orders him to take that all out and begin over again without having any standard, and he has ordered him to take out wiring that has been done according to the most approved standards known in the country. The law is not specific enough to protect the manufacturer.

The CHAIRMAN: You simply think the law ought to be improved?

The WITNESS: Yes.

The CHAIRMAN: I think you ought to be in sympathy with the Fire Prevention Bureau, for it is something that is bound to come, the scientific study of fire prevention.

The WITNESS: We are in harmony with anything that will promote fire prevention, but we are not in harmony with a law that is merely capricious and is to be administered according

to the fancy of some man who knows less about fire prevention than the man who is directed to do certain things.

The CHAIRMAN: That is not always so. We have had those things. Take the question of automatic sprinklers. We have had insurance brokers tell us that they are better judges of what an automatic sprinkler can do than a fire fighter who has been in the business for thirty odd years. That is a difference of opinion; one man places his opinion up against that of another. I do not think you approach the subject in a proper spirit. You approach it in the spirit of antagonism. You ought to get together and try and co-operate.

The WITNESS: We co-operate with the State Fire Marshal. My point is that the law ought to be made as specific as possible, so as to free the manufacturer from the unnecessary expense that comes from changing a thing when he has done it according to the most approved methods known in the country.

The CHAIRMAN: I think those things will come. Bringing those things up in the Legislature will protect them.

By Mr. ELKUS:

Q. Is your association in favor of prohibiting or permitting home work? A. We are in favor, Mr. Elkus, of first at least seeing that the State has authority over that work.

Q. You mean by licensing the places in which it is done? A. Yes.

Q. The question arises now whether on account of work being done in the home under more or less unsanitary conditions surrounding it, you would be in favor of permitting it at all? A. We felt that the first logical step would be to license it.

Q. We have had the license in New York city for some years, that is to say, the tenement house in which the work is done is licensed, and it has been found that while it is done, it is a matter of form, because a man occupies a number of rooms in a tenement just as he does in a house. The work is usually carried into one of the bed rooms or the living room, usually depending on the kind of work, and it is not the best surroundings for the work to be done in. Therefore there have been a great many people who have come before us who are in favor of pro-

hibiting it altogether, outside of the child labor part of it. It has been found under the system that you describe, where the work has been given out by the contractor, to a sub-contractor, the result is that those who are willing to work in the homes get very small pay for their work. We would like you to give your opinion as to whether it would be better from a sanitary and economic point of view, either or both, to prohibit or to permit that work to go on. A. Of course there are two points of view in answering a question of that kind. The first is the necessity for people to work and earn a livelihood, and it has to be viewed first from that point, and I believe that a law at this time preventing home work would work a good deal of hardship for a good many people.

By Commissioner JACKSON:

Q. Do you think that business is based on the fact that people need work? A. Undoubtedly, Mr. Jackson.

Q. I do not understand such a contention? A. There are a great many homes in Rochester, some of which we visited, where the people were supplementing their income from the other members of the family, by work done in the home, done under perfectly sanitary conditions.

Q. A man does not invest his money in business, for the purpose of supplying work to people? A. I am speaking from the point of view of the wage earner. There is no question in my mind that the time is not far distant when, from purely sanitary reasons, the work will be discontinued by law.

By Mr. ELKUS:

Q. Would it be your view that a statute ought to be passed cutting it down from a certain date? A. I think that would be a wise provision.

Commissioner JACKSON: I asked you a question in regard to the number of sub-contractors that you estimate there were. My purpose was to find out whether they were residents of Rochester, or were they men who come in and go away again?

The WITNESS: No, not to any great extent.

A VOICE: I appear for the clothing manufacturers, and I wish to ask what you mean by a sub-contractor.

Mr. ELKUS: Give your name, please.

A VOICE: Sol Weil.

The WITNESS: When I use that term I mean a man who makes up clothing for a manufacturer proper.

(The witness was then interrogated by Mr. Weil as follows:)

Q. Then they are direct contractors? A. They are contractors of the clothing manufacturer.

Q. You did not mean that they were sub-contractors,—under the contractor? A. No. He is a sub-contractor in the sense of being under the clothing manufacturer. He may be under three or four at the same time.

Q. He may do the tailoring for three or four manufacturers? A. Yes, sir; he could.

Q. He runs his own shop? A. Absolutely.

Q. And brings his own garments to that shop? A. Yes.

Q. You investigated only, as I understand, the wholesale clothing manufacturers? A. Yes.

Q. You did not include in your investigation what would be regarded as the merchant tailors? A. Not at all.

Q. Or those that take home single garments? A. No.

Q. So that when you alluded to the home workers, you alluded to what is known as buttonhole making,—was it that you meant by the individual home work as distinguished from what we regard as the factory work? A. Buttonhole making and other work, such, for instance, as putting on certain parts of the lining, the pockets, work of that kind, some work on vests.

Q. What you call finishing? A. Yes.

Q. Light work? A. All of it was light work, yes.

Q. How many tailor shops in all were there that were investigated by your Committee? A. One hundred and forty was the total number.

Q. That included all the tailoring shops in connection with the larger factories? A. Yes.

Q. That were engaged in the business of wholesale clothing manufacturing? A. Yes.

Q. And I understood from your statements that there were from forty to fifty shops that you examined personally? A. Yes.

Q. You and Dr. Hanna? A. Yes.

Q. Will you describe some of those shops, were they large shops, or what you would regard as the smaller shops? A. Most of the shops we visited were the smaller factories.

Q. The contractors? A. Yes.

Q. With the exception of the fishtail burners, to which you alluded, the illumination, what percentage of those that you visited would you say were unsanitary in the general acceptance of that term, including the word hygiene? A. I should say we found about two or three where we thought the conditions were bad.

Q. Did you call the attention of the authorities to the shortcomings? A. Yes, sir.

Q. Did the health authorities at any time call your attention to any shortcomings that were found in the tailoring industry in Rochester? A. No.

Q. Did you request—

Mr. ELKUS: Mr. Weil, you may have some family linen that you want to wash.

Mr. WEIL: No, I do not want to wash any. In view of the fact that Dr. Goler did not care to ask any questions I want to ask some independent questions. All I cared for was to set the Commission right as to the factory conditions that obtain here, that it is a direct communication between the tailor and the factory and is no sub-contractor.

Mr. ELKUS: Is it not the same system that prevails in New York, the contractor makes a contract with the manufacturer to have a certain number of garments worked up and distributes them to various families?

Mr. WEIL: No, no, sir; it is not. That is exactly what I want to bring out. He takes it to his own factory.

The WITNESS: He has a factory.

By Mr. ELKUS:

Q. Have you got a contractor who provides work for the families in their homes? A. No; there is very little done. You may find a shop where they employ twenty-five men and you

ask them how many there are home workers, and they might have three to five.

Q. Are not there shops here who give out work to a man, who then gives it to different men? A. No.

Mr. ELKUS: Our investigators have found that to be so.

Q. You printed a letter from Miss Watson, who made some investigations for the Commission; did you dictate the letter for her? A. For Miss Watson?

Q. Yes, in your office? A. No, the original copy is in her own handwriting.

Q. No; this is a typewritten letter.

A VOICE (a gentleman in the audience): Mr. Woodward was out of town when Miss Watson dictated that statement.

Q. All right; the second letter is dated October 3, 1912, and the only part of the letter which was printed was printed in the form of a postscript to the first letter? A. The purpose of the second letter was to correct the statement regarding the Italians.

Q. That made it appear, however, that this postscript was part of the first letter? A. I do not know about that.

Q. What was in her letter, you do not give here the exact language? A. That is a quotation from the letter that you have there.

Q. It is not an exact quotation? A. It does not change the general meaning.

Q. Speaking of the letter as a whole, I think it does. A. The correction in the letter, as you will note there, was when I called attention to the statement regarding the center in which the Italians were living.

Q. And the second letter she wrote you? A. That is an exact quotation from this letter.

Q. It says "the finishing of clothing in the homes is done altogether by Italian people, most of whom likewise live in single dwellings or two-family homes. This statement does not refer to the rear shop, the contract shop, but only to such work as is taken from such shops or other manufacturing plants, to the houses and the homes of the people to be completed there, with the assistance of as many members of a family as can be pressed into service.

There is a great deal of this finishing done in Rochester in the Orange and Jay street district. During my investigations in July, the work was being done out of doors, in the front door yards. It is impossible for me to say under what conditions the work was done during the colder months, when the workers were probably crowded into the small kitchen or workrooms with the windows closed, and no ventilation, and the household activities were taking place. Probably it would be wiser to change my statement to, the finishing of clothing in the homes is largely carried on by the Italian families, most of whom live in single dwellings or two-family houses. Unquestionably child labor is used in this work, but we do not actually see much of it, although the children said they helped. I did see the children carrying the work to and from the shops." A. The point I wanted to correct was the finishing of clothing in homes is done altogether by Italians. It is done largely by Italians, that is the point.

Q. You did not quote in the pamphlet the fact as to the child labor. She says there is a great deal of child labor in Rochester, in this work. A. But we did not find any.

Q. I did not actually see much of it, though the children said they helped. I did see children carrying to and from the shops. She also referred to the unsanitary conditions under which the work was carried on. We have not any objection to any of these people taking in the investigators and asking any facts from them, but they do not give you the full detailed report. They answered your questions very naturally. A. The general purpose of that letter was covered in the first.

Q. Your general purpose may have been. A. I mean hers.

Mr. ELKUS: She naively remarks that she was not allowed to give out the report.

The CHAIRMAN: Call anybody else that you desire to call, Mr. Woodward.

SIMON M. STEIN, a witness, being duly sworn, testified as follows:

By Commissioner PHILLIPS:

Q. How many employees have you? A. Eight hundred or eight hundred and fifty.

Q. How many are women? A. About four hundred.

Q. How many are minors? A. I believe there are four or five between fourteen and sixteen.

Q. How many between sixteen and twenty-one, or sixteen and eighteen? A. I think there are two hundred; I cannot give you that exactly.

Q. Have you forced ventilation in your factory? A. No, sir.

Q. Through the windows? A. Yes, sir. It is a fifteen-foot ceiling.

Q. Is there any statement you would like to make to the Commission? A. Nothing at all.

By Mr. ELKUS:

Q. Mr. Stein, do you give out any work to be done outside of your factory? A. Yes, sir.

Q. Is it done in the homes of the people? A. It is done in the small factories, the small shops.

Q. Is any of it done in the homes? A. The work that is done in the homes is the finishing work, such as the button holes and the finishing coats and trousers.

Q. That is done in the houses? A. That is done in the people's houses.

Q. You give that work directly to those people who do it in their homes? A. No, sir.

Q. You give that to the contractor? A. To the contractor.

Q. And he in turn gives it to them? A. To people that live in the vicinity.

Q. You have a contractor by the name of Comorwisha? A. Yes, sir.

Q. And he gives it to the people in their homes? A. That is the idea exactly, that is the finishing and the button holes.

Q. That is done by all? A. All over the country.

Commissioner PHILLIPS: How many people are employed in his shop?

The WITNESS: Seventy-five I should judge.

Q. Do you know how many homes that work goes into? A. No, I have not any idea.

Q. Do you not keep track of it? A. No.

Q. That is all done by Comorwisha? A. Yes, sir.

Q. Do you pay him so much for finishing every garment? A. Yes, sir.

Q. He sublets it to those people at such prices as he can agree upon with them? A. Yes, that is what we call subletting. He does some of it.

Q. He gives it out to the home worker? A. They come and get say half a dozen garments at a time, that is all that is ever outside.

Q. Half a dozen at a time and take them to their own homes? A. Yes.

Q. Have you ever been in any of these places where this work was being done? A. Some, yes.

Q. Where? A. I could not just mention where.

Q. Do you know where 311 Wilkins street is? A. I might, I would not say just exactly.

Q. We have a list of the homes which has been furnished to us where your work has been done, and I just want to know whether you ever have seen the conditions under which this contractor had let out the work to be done? 311 Wilkins street, 820 Avenue D, 201 Garden street, 8955 Avenue D, 104 Berners street, 632 Joseph avenue, 195 Wilkins street, 703 Bernard street, 107 Almy street, 129 Thomas street, 234 Wilkins street, 44 Fortesque street, 16 Eifel street, 290 Wilkins street, 29 Boston street, 189 Wilkins street, 645 Joseph street — what localities are those streets, what part of the city? A. They are located in the northern part of the city.

Q. What kind of people live there, Italians? A. Italians, I should judge and the Germans.

Q. They live in tenement-houses? A. There are not many tenements.

Q. Two family houses? A. Two family dwellings.

Q. And that is the place where the light work is done?

Commissioner PHILLIPS: What kind of work?

The WITNESS: The finishing of button holes, or the finishing of sewing around the sleeves and the shoulders, or the finishing of trousers.

Commissioner PHILLIPS: Why could not they better do that work in the shops?

The WITNESS: Well, we try hard, we are trying harder every day to get that in the shops, but when help is scarce we cannot get it, and the people who are doing this work at home are married people.

The CHAIRMAN: Do you pay less for the home work?

The WITNESS: No, they get the same price.

The CHAIRMAN: I suppose at home they work longer hours without legal interference.

The WITNESS: I do not believe they do. They do that in their leisure time.

The CHAIRMAN: You do not know what the contractor pays these people?

The WITNESS: No, they are generally paid uniform prices.

By Mr. ELKUS:

Q. That work is on the filling? A. If you will allow me to take off my coat, I will be glad to show you, it is finishing a garment.

Q. I hope you have on a Stein-Bloch coat.

(The witness takes off his coat in order to explain to counsel and the Commission.)

A. Sewing the shoulder this way (indicating), and the sleeves this way.

Q. And for that what do they receive? A. For different work, they pay different prices.

Q. For that they receive \$1.31? A. Whatever it is.

Q. That is our information.

By the CHAIRMAN:

Q. Is that what the individual receives? A. We pay our contractor a price for making the garment, and he in turn divides it up among the different parties who do the work.

Q. He does not do any himself? A. Yes, he runs the shop, he is the foreman.

By Mr. ELKUS:

Q. You have a very modern, up-to-date factory; Rochester is very justly proud of it. What do you think of having all your work done in the factory building rather than some of it in the homes? A. I prefer it and try to force it.

Q. You are trying to force it on these contractors? A. Trying to force it on the contractors.

Q. Do you think it is a bad thing to have this work done in the homes where the people live? A. I most certainly do.

Q. Do you think it ought to be prohibited by law? A. Yes, by law.

Q. Do you think children ought to be permitted to do any of this work under any circumstances? A. No, sir.

By the CHAIRMAN:

Q. Do you think any great hardship would result in the abolition of this work? A. In the home?

Q. Yes. A. Well, it would naturally produce this effect: the contractors would have to put on more work in their factory.

Q. Do you think some of those from the home would come to the factory? A. It would eliminate those people from that work, and they would have to secure other people to come to the shop and do it.

Commissioner PHILLIPS: Do you have difficulty in getting labor?

The WITNESS: Experienced labor, yes. You see, in the former days when the children from fourteen years were allowed to come in to work, they started in and by the time they were sixteen they were able to earn six or seven dollars, and now we try not to hire anybody under sixteen. We have three or four, possibly five, but those are the daughters or the sons of some of the people in the factory.

By the CHAIRMAN:

Q. Why do you not want children under sixteen to work for you? A. Well, it spoils discipline. They come in at eight and go home at five, and everybody feels that they are a little preferred, that is all.

Q. I thought maybe you had in mind the humane side of it?

A. I have. I do not believe in children working. I believe they should go to school.

Commissioner PHILLIPS: What proportion of your work through contractors in their shops is sent out?

The WITNESS: I should say about 30 per cent.

Commissioner PHILLIPS: Is there any other gentleman would like to be heard?

Mr. MAX ADLER then stated he would like to be heard by the Commission.

The CHAIRMAN: Do you want to make a statement, or appear as a witness?

Mr. ADLER: I wish to make a statement. I have read through the proposed legislation, and I would like to bring to you the point of view of our concern. Let us assume, simply for the purpose of argument, that we have to-day built a factory entirely consistent with modern ideals, a model factory. In looking through the proposed legislation I find a number of things which would entail great sacrifice and great cost, perhaps needlessly, upon such an establishment. I would like to ask you whether it is fair to the manufacturer, who to-day is maintaining such an establishment to classify him in the same category with the manufacturer against whom most of this legislation is being planned?

The CHAIRMAN: Have you any specific things in mind?

Mr. ELKUS: Give us the specific things and we can answer you. It goes without saying that the Commission does not want to be unfair.

Mr. ADLER: Here is one specific instance: The proposed law specifies that washrooms and dressing-rooms shall be maintained in a certain proportion to the number of employees in each establishment, each floor of the establishment. At our place we have washrooms and a locker-room on the ground floor and technical enforcement of that particular law would necessitate our

abandoning those rooms and placing them on another floor. Is that fair? Is it necessary?

The CHAIRMAN: What is the height of your building?

Mr. ADLER: It is a four-story building.

The CHAIRMAN: Are there toilets on every floor?

Mr. ADLER: Toilets on every floor.

Mr. SHIENTAG: Are there washing facilities on every floor?

Mr. ADLER: Minor washing facilities.

By Mr. SHIENTAG:

Q. How many people are employed on the fourth floor? A. Six hundred and fifty.

Q. How many water-closets are there on the fourth floor? A. I could not say offhand, but about double the required number.

Q. How would you be affected by this law? A. Because one of your laws demands that washbasins and dressing facilities must be on that floor.

Mr. ELKUS: One dressing-room shall be provided on every floor on which there are five women employed. Where are your dressing-rooms for the women?

Mr. ADLER: There is a room in connection with each toilet, but I believe you specify that in a certain place a certain number of washbasins shall be placed on each floor of each building.

Mr. ELKUS: I do not see anything like that. At least one washbasin for every ten employees.

Mr. ADLER: Yes.

Mr. ELKUS: One sink or basin for every ten employees. How many are there, how many washbasins have you?

Mr. ADLER: I never counted them.

Mr. ELKUS: It does not say they must be on every floor. Here is the act.

(Mr. Adler examines the bill.)

Mr. ELKUS: I think you have got those two provisions mixed up. We would be glad to have you call our attention to anything there. There should be at least one sink or basin for every ten employees of the factory, and where a factory occupies more than one floor there should be at least one basin on each floor for every ten persons.

Mr. ADLER: Does not that mean that there shall be one basin on each floor for each ten persons employed on that floor?

Mr. ELKUS: Yes. How many basins have you?

Mr. ADLER: We have six.

Mr. ELKUS: How many have you on the ground floor; how many basins have you got altogether.

Mr. ADLER: I could not tell you.

By Mr. ELKUS:

Q. Have you got the correct ratio? A. I think we have.

Q. Then you must have a great many on the ground floor?
A. We have.

Q. The trouble about that, you mean, in the existing factory would be the hardship of making you move your washing facilities? A. Exactly.

Commissioner PHILLIPS: Assuming there are enough on the ground floor.

Mr. ADLER: Yes, sir.

Mr. ELKUS: You are willing to have enough somewhere in the building?

Mr. ADLER: Of course.

Mr. ELKUS: That is a suggestion we are very glad to welcome.

Mr. ADLER: My point has no particular significance with regard to this particular thing, but I believe that where a manufacturer has built a plant, has put up a plant which obeys the spirit of the law, he should not be held down by petty laws — I do not mean exactly petty laws — but he should not be forced to carry out absolutely the letter of the law when every intent and purpose is carried out, and the spirit of the law is carried out.

Mr. ELKUS: You will notice the provision that there shall be rules and regulations adopted by the advisory board of the Department of Labor. That gives the advisory board discretion. Are you in favor of such discretion, or do you want the particular things specified?

Mr. ADLER: I think that it should be discretion. I believe that factories should be divided into different categories.

The CHAIRMAN: What other provision is there that you wish to speak about?

Mr. ADLER: That regarding smoking. There is no smoking in our plant, except in one particular place, where the men have the advantage of smoking during the noon hour. I believe it is unfair in a manufacturing establishment to forbid the men from smoking under a reasonable situation, where it is under control.

Mr. ELKUS: How could it be under control? What is the number of your employees?

Mr. ADLER: Eight hundred and fifty.

Mr. ELKUS: How many of these are men?

Mr. ADLER: Approximately half.

Mr. ELKUS: You have four hundred odd men given permission to smoke, and there is consequently throwing away of matches and lighted cigars and cigarettes.

Commissioner PHILLIPS: What conditions have you in mind?

Mr. ADLER: One particular room in the building where the men are allowed to smoke; they are not allowed to smoke in any other place.

Commissioner PHILLIPS: In the lunchroom?

Mr. ADLER: In the smoking-room.

The CHAIRMAN: You know most of the insurance people, the fire fighters, say that the majority of fires are due to just such things, and they think this is one of the best laws we can put on the statute books.

Mr. ELKUS: And the fire departments of the different cities have called our attention to the fact that even though a room is provided for that purpose, a man will light a cigar or a pipe or a cigarette, and will carelessly throw the match aside, and that is where most of the fires start.

Mr. ADLER: I simply make the statement that the men will smoke anyway, and it is much better to allow the smoking to be done under reasonable circumstances where there is protection against fire, than to simply deny them the privilege of smoking and have it done anyway.

Mr. ELKUS: Your suggestion is that the men be permitted to smoke during the lunch hour in a room provided for that purpose?

Mr. ADLER: A room provided for that purpose.

Mr. ELKUS: And for no other purpose?

Mr. ADLER: Yes.

Commissioner PHILLIPS: Is there anything in there inflammable?

Mr. ADLER: The chairs, the partitions.

The CHAIRMAN: The danger with an exception like that is that it opens the door. You would never get a conviction.

Mr. ADLER: The probability is you would never get obedience.

The CHAIRMAN: Experience has been against that. Even in the short time the law has been on the statute books, they are getting a number of convictions down in New York City, and the manufacturers say they have practically stopped the smoking.

Mr. ADLER: I doubt it.

The CHAIRMAN: We are getting convictions for it.

Mr. ADLER: A man would be discharged at sight in our place for smoking in any other place, yet there is plenty of evidence that men smoke in the toilets.

The CHAIRMAN: Probably not as much as before the statute was enacted.

Mr. ELKUS: Is there anything else?

Mr. ADLER: Yes. I would like to bring in the idea regarding home work. There is absolutely no home work going on at our factory at the present time. There was in the past.

Commissioner JACKSON: Do you let work out to the contractors?

Mr. ADLER: Yes, a small amount. I am giving up that work. I was appealed to by the foreman of the department from which it was given out. He found himself unable to cope with the situation, and he sent the parties to me. The three people, three women who were doing home work, were widows, women who had formerly been in our employ and had lost their husbands and they are now taking work home to support their children. We gave them work until they were able to secure work from some other place, and I want to bring to your attention that that did not solve the problem, and if you wish to absolutely eliminate home work — these women were working at home because they had small children — if you are to absolutely eliminate home work, what is going to become of those women?

Mr. ELKUS: What has become of them now?

Mr. ADLER: They are getting work somewhere else.

Mr. ELKUS: Home work?

Mr. ADLER: Yes.

Mr. ELKUS: What do you say should be done about it? The percentage of widows engaged in this work is very small, of course, and the law has to be administered on the principle of the greatest good to the greatest number.

Mr. ADLER: If you are going to eliminate home work you will have to do one of two things, either license the individual worker, or if you are going to eliminate the work altogether, you have got to take care of the women and children.

Mr. ELKUS: Are they not partially taken care of now?

Mr. ADLER: By whom?

Mr. ELKUS: Charity. It was found in almost all these cases on investigation — I do not know about your particular one — these people who did the work at home were partially taken care of by charity in some form or another. The home work they did was insufficient to bring them enough to support them.

The CHAIRMAN: You concede, of course, Mr. Adler, that it is very desirable to do away with this home work.

Mr. ADLER: Yes, I do.

The CHAIRMAN: You think for the health of the people generally, it would be a good thing?

Mr. ADLER: Yes.

Mr. ELKUS: You want your clothes made under sanitary conditions?

Mr. ADLER: Yes.

The CHAIRMAN: Any reform of that kind will bring hardship to some individual. We have got to solve the thing in a way that is best for a majority of the people.

Mr. ADLER: Yes, but the hardship entailed on a certain proportion of the home workers, without means of support, the distress they will suffer, their loss will be greater than the benefit coming to the public through the elimination of that work.

The CHAIRMAN: I do not think you believe that yourself, — do you?

Mr. ADLER: Yes, I do.

Mr. ELKUS: Is there anything further you wish to call attention to?

Commissioner PHILLIPS: Have you any knowledge as to whether the home workers in the clothing trade are able to make a living out of the home work?

Mr. ADLER: I have no direct knowledge. I believe such is the case.

Mr. ELKUS: Is there anything else, Mr. Woodward? (No response.)

Mr. ELKUS: Is there any other manufacturer who desires to be heard?

Mr. WILLIAM L. DOBBIN, of the Levy Brothers Clothing Company, Rochester, stated that he would like to be heard by the Commission.

Mr. ELKUS: Do you want to address the Commission?

Mr. DOBBIN: I want to ask a few questions first. I want to ask this question: this provision that no more than fourteen persons shall be employed or be permitted to be employed on any floor for every eighteen inches of stairway, and so on. I have no doubt that that number is indicated for some particular structure or building.

Mr. ELKUS: It depends on the staircase.

Mr. DOBBIN: Is that based on the estimated, determined capacity of the staircase?

Mr. ELKUS: Yes.

Mr. DOBBIN: No matter what the height of the —

Mr. ELKUS: The height of the staircase, the width first, and the height, we take both into consideration.

Mr. DOBBIN: That being the case it would almost seem as though the building of large floors would be restricted then.

Mr. ELKUS: Not at all.

Mr. DOBBIN: Because when you come to figure out the square surface of a building, say 85 by 65, giving forty-six or forty-seven hundred square feet, and divide that by 36 square feet, allowed under another provision, it would give you the advantage of 130 persons on that floor.

Mr. ELKUS: It depends on how many exits you have; how many staircases there are; what means there are of getting to the adjoining or opposite buildings.

Mr. DOBBIN: It depends then also on the sprinkler system.

Mr. ELKUS: And on the fire walls.

Mr. DOBBIN: Our building is a sprinkler risk.

Mr. ELKUS: You have a very large allowance.

Mr. DOBBINS: It seems it is not quite enough.

Mr. ELKUS: How large is your building?

Mr. DOBBIN: 85 by 55.

Mr. ELKUS: Is that the outside dimension?

Mr. DOBBIN: The inside dimensions.

Mr. ELKUS: How many stairways have you?

Mr. DOBBIN: We have one stairway.

Mr. ELKUS: Have you any fire escapes?

Mr. DOBBIN: Fire escapes in the rear, and a 30 by 45 clear space behind us.

Mr. ELKUS: You mean a yard?

Mr. DOBBIN: A yard behind us.

Mr. ELKUS: Have you any entrance to an adjoining building?

Mr. DOBBIN: No.

Mr. ELKUS: Have you any fire walls?

Mr. DOBBIN: No, not through the building. One side of it is a little low building, and on the other side is not a sprinkler risk.

Mr. ELKUS: Have you any sprinklers?

Mr. DOBBIN: The sprinkler system.

Mr. ELKUS: How many people have you employed on that floor?

Mr. DOBBIN: At times we have as high as 110.

Mr. ELKUS: How many do you figure out you can have under the law?

Mr. DOBBIN: Seventy.

Mr. ELKUS: How large is your stairway?

Mr. DOBBIN: 52 inches wide.

Mr. ELKUS: How high?

Mr. DOBBIN: 14 feet 1 inch.

Mr. ELKUS: Well, I do not know what your building law in Rochester is, but in most of the cities you would not be permitted to erect a building of that size, without having more than one stairway.

Mr. DOBBIN: I believe that these conditions will affect a good many buildings in the city of Rochester.

Mr. ELKUS: How high is the building?

Mr. DOBBIN: I would have to get at that.

Mr. ELKUS: What floor are you on, that you are speaking of?

Mr. DOBBIN: Above the street.

Mr. ELKUS: The first floor?

Mr. DOBBIN: Yes.

Mr. ELKUS: One flight up?

Mr. DOBBIN: One flight up, and the one above that there are about 80 people on it.

Mr. ELKUS: You see you have a pretty large building with only one staircase and a very dangerous one. That is a condition that ought to be changed.

Mr. DOBBIN: A dangerous one, when the inspectors say that we have got a pretty good risk?

Mr. ELKUS: You mean the fire insurance people?

Mr. DOBBIN: No, I mean the factory people.

Mr. ELKUS: Which one?

Mr. DOBBIN: Some of your own inspectors perhaps might not criticise that as severely as your statement would indicate.

Mr. ELKUS: I do not know whether we have a report on your building or not. Has the Fire Marshal examined it?

Mr. DOBBIN: I am not aware of that.

Mr. ELKUS: Is the fire chief of Rochester here?

(No response.)

Mr. ELKUS: Or any representative of his, or the chief of the Fire Department, or the Building Department, or any representative?

(A gentleman in the audience, who gave his name as Mr. Pierce said that he could represent the Building Department, and he was accordingly interrogated by Mr. Elkus as follows:)

By Mr. ELKUS:

Q. Do you know this building, the Michael Kolb Building, in St. Paul street, opposite the Steinbloch Company? They have employed on the first floor above the street as high at times as 110 people, and there is one staircase only. It is 52 inches wide? A. Yes.

Q. It is enclosed in a wooden partition? A. No, that is a plastered partition.

Q. Not fireproof? A. No.

Q. And the floor above is accessible by a 45 inch staircase? A. Open partition.

Q. Open stairway? A. Yes.

Q. And the floor which that leads to, that has about eighty people on it? A. Yes, 60 to 80.

Q. Are there fire-escapes in the rear? A. Yes.

Q. How many stories high is the building? A. Five from the ground.

Q. How many people are employed on the floors above the second and third? A. Five on the top floor.

Q. Five people? A. Five people on the top floor. It is a stock room. Sometimes it may run to eight.

Q. How many on the floor below that? A. It varies from twenty to forty.

Q. Where you have a building of that character, with the 190 to 250 people depending on that one stairway; what is your opinion, as to its safety in case of fire, Mr. Pierce? A. They have an iron stair fire-escape in the rear of that building.

Q. Is it a stair fire-escape? A. Yes, sir, a fire-escape. A stair fire-escape.

Mr. ELKUS: Is your fire-escape in the rear a regular stairs?

Mr. DOBBIN: Yes, sir; except the last drop. That of course is not a stair.

Mr. ELKUS: How wide are the stairs?

Mr. DOBBIN: I should say thirty inches, in that neighborhood.

Mr. ELKUS: That would be counted as a stairway, if it is a stairway.

Mr. DOBBIN: It is from top to bottom.

Mr. ELKUS: Well, that would be counted as a stairway and you could keep your 110 people.

Mr. DOBBIN: That is all right.

Mr. ELKUS: I am taking your word that it is a stairway.

Mr. DOBBIN: It is a stairway.

Mr. ELKUS: I do not mean an up and down fire escape.

Mr. DOBBIN: No, a regular stairway.

Mr. ELKUS: Without that it would not be safe.

Mr. DOBBIN: No.

Mr. PIERCE: Nothing but stair fire-escapes are allowed in the city of Rochester.

Mr. DOBBIN: One thing that brought that to my mind. Take a factory down on the bank of the river below the falls. There is nothing back of those buildings, they back up against that precipice, nothing except the falls with the river below. This same provision would apply to them with the one exit at the front of

the building onto the street, where we have two, one in front and one behind. It seems to me as Mr. Adler said, there ought to be a classification of these in cases of this kind. I am talking about a hypothetical case.

Mr. ELKUS: Do not let us take up hypothetical cases.

Commissioner JACKSON: You mean there would be no place to go.

The CHAIRMAN: Could they not build a platform?

Mr. DOBBIN: No, it is right along the race-way.

Commissioner JACKSON: It certainly could be done, no doubt of it. You could put supports for a platform any place.

Mr. DOBBIN: Well, we are all right on that.

Mr. GEORGE GUGGENHEIM now said he would like to be heard by the Commission:

Mr. GUGGENHEIM: I want to ask a few questions. The Stein-Bloch Company occupies two buildings.

Mr. ELKUS: Are the questions as to the number of people you can have on a floor?

Mr. GUGGENHEIM: Something similar.

Mr. ELKUS: I will tell you what I wish you would do, write a letter to me, and I will bring it to the attention of the Commission and answer you.

Mr. GUGGENHEIM: There is one point that comes out as to one of our buildings.

Mr. ELKUS: We will be very glad to hear you.

Mr. GUGGENHEIM: The fireproof balcony referred to shall be enclosed on all sides, and so forth —

Mr. ELKUS: We are omitting that. We have taken some testimony of experts on that, and think that while perhaps it would be better in some cases to have the balconies enclosed, yet we believe it will be safe to have them open.

Mr. GUGGENHEIM: Our balconies are sheathed —

Mr. ELKUS: We are not going to require them to be closed at all.

Mr. GUGGENHEIM: That will settle our question.

Mr. ELKUS: That is all you want to ask?

Mr. GUGGENHEIM: That is all I want to ask.

Mr. JOHN A. ROBERTSON then stated that he would like to be heard by the Commission.

Mr. ELKUS: Go right ahead, Mr. Robertson.

Mr. ROBERTSON: I presume the object of the Commission in calling for criticism of the proposed laws —

Mr. ELKUS: They are not proposed laws. They are suggestions put in the form of bills.

Mr. ROBERTSON: Bill No. 1, page 2, line 12, smoking in factories to be prohibited. This should be modified, and an exception made in the case of lounging rooms or reading rooms, not used for manufacturing, lounging rooms.

Mr. ELKUS: We are considering that subject.

Mr. ROBERTSON: Then No. 2, that deals with the fire alarm signal system; a system of gongs.

Mr. ELKUS: We have changed that to signals, or a sufficient number of signals of a proper size.

Mr. ROBERTSON: We are using electric gongs in some cases, and steam whistles.

Mr. ELKUS: We have changed that, or contemplate changing it, that will take in a word permitting the use of a whistle or horn.

Mr. ROBERTSON: On page 2 of the same bill, line 14, once a month there shall be fire drills. This, especially in the winter months is too often.

Mr. ELKUS: How often do you think they ought to be?

Mr. ROBERTSON: For general exit once in three months is often enough, as the law now stands. For department exits once a month is not objectionable.

Mr. ELKUS: Go right ahead.

Mr. ROBERTSON: No. 3, automatic sprinklers: this limit for a building seven stories in height, wood construction without sprinklers, in our opinion is exceeding the safety limit. The limit should be a five story building, preferably three.

Mr. ELKUS: You want us to be more drastic?

Mr. ROBERTSON: We are giving you our opinion. No. 4, fire-escapes, doorways and doors, page 1, lines 9 to 11 inclusive.

Proposed Bill No. 4:

Fire Escapes, Stairways and Doors: Page 1, lines 9-11, inc.:

We see no reason why this should not be left to the discretion of the Commissioner of Labor or his authorized inspectors as wood, slate, concrete, stone and many patented treads are efficient until they become worn to the extent that renders them dangerous.

Page 2, Lines 15-23 inc.:

Exception to this should be made in case of basements which are on a level with the sidewalk which are often necessary to prevent intrusion and breakage.

Page 6, Lines 1-4 inc.:

This only provides for factories equipped with electric lighting and "at night" is not definite as to time. Does it mean after dark, after sun down or after working hours. The whole provision seems unnecessary except in cases where the fire escape is an exclusively secondary exit. It should not apply where two stairways are available at suitable distances apart or where adjoining factories are separated by fire walls with properly safe guarded exits on the same levels.

Proposed bill No. 5:

Limitation of Number of Occupants of Factories:

Page No. 1, line 10. Page No. 2, lines 1-4 inc.:

There is no distinction in this paragraph as to whether only staircases should be figured providing 18 inches of width for

every fourteen people employed. No mention is made of fire escapes or Philadelphia towers. It would seem that it should be clearly defined whether only interior stairways should be figured in making these calculations.

Page No. 2, starting line 25, sub-division No. 3.

This states that in a fireproof building of reinforced stone concrete, fireproof partition of brick, terra cotta, or reinforced stone concrete, should project three feet above the roof of the building. In a fireproof concrete building of beam and girder type where a brick wall runs through the building, it is our opinion that a fire wall projecting above the roof of the building is absolutely useless, affords no protection or function whatever. For slow burning mill construction this projecting fire wall is necessary.

Page No. 3, line 17, section 4.

This section calls for double fire doors on all openings. This would work a hardship on us inasmuch as most of our openings are only provided with single fire doors. In many cases we doubt if we could get a fire door on either side of the wall inasmuch as either the equipment or peculiar local conditions will in many cases interfere with this additional door installation.

Another hardship which would be worked by this act is the limiting of the width of fire door openings to 66 inches. A large majority of our doors are six feet or seventy-two inches in width and this width is necessary in many operations. The Fire Underwriters have always allowed a width of eighty inches.

Page No. 4, lines 9 to 12 inc.:

This section states fireproof balconies referred to in this sub-division should be enclosed on all sides by terra cotta, reinforced stone concrete or brick and should not be less than six feet in height. This statement or definition would eliminate or practically destroy the effectiveness of the Philadelphia fire tower of which we have a number, for if the balconies connecting the building with the entrance to the fire tower are enclosed, it would form a duct or flue for smoke or flames. These balconies are an essential feature of the Philadelphia tower type of fire escape and the proposed act does not apparently recognize the advantage of this admittedly most superior kind of fire protection.

Proposed bill No. 6:

Organization of Labor Department, Division of Industrial Hygiene and Medical Inspection.

There is no provision in this bill qualifying the ability, experience or efficiency of the man who may be appointed commissioner of labor and there is no provision for his removal for inefficiency.

Proposed bill No. 7:

Revised Report of Department of Labor.

Page 4, lines 11-19 inclusive.

It is not stated to whom the monthly bulletin will be sent. If not to all employers of labor, some method should be provided to notify employers of the proposed changes. Newspaper notice for instance might accomplish the result.

Proposed bill No. 9:

Definition of a Factory.

Page 2, line 4 and 6.

We see no objection to the insertion of this new clause, but why is the exemption made?

Proposed bill No. 18:

Accident Prevention. Lighting of Factories and Work Rooms.

Page 5, lines 10-14 inclusive.

There may be some good reason for this exemption. If so, why not specify it in the law and not leave it to the discretion of the Commissioner of Labor.

Proposed bill No. 24:

Elevators, Freight and Passenger: Page 2, lines 25-27 inclusive.

This restriction would work a hardship in cases where raw material such as lumber, metal rods, tubing, etc., are carried in such freight elevators and the height of the tower is such as not to allow the grating to be placed high enough to accommodate these articles. It could be provided for in new construction, but it would be hard to remedy it in existing factories.

Dr. GEORGE W. GOLER, a witness, recalled for further examination, testified as follows:

Mr. ELKUS: Doctor, do you wish to make a statement? We will be very glad to hear you if you wish to make a statement?

Dr. GOLER: Mr. Chairman, and Mr. Elkus, instead of making a verbal statement, I prefer to read my statement on the record, referring to my former testimony that I gave before the Commission on the 28th of November, 1911.

In my testimony before the Commission upon the above date, I made the following statements relating to the factories of Rochester. That there was nothing directly in the ordinance requiring factory investigation by the Health Bureau: that factories were investigated largely because of ventilation: that the factories with proper ventilation could be counted on the fingers of both hands; that last winter (1910) we investigated most of the clothing factories, because considerable numbers of garment workers were found in rear workshops. During the year we were to take up the shoeshops, but did not reach them because of an epidemic disease. That we completed the examination of garment factories in large part last winter. I also said, that there was a new, modern fire-proof factory building in Rochester which is a model and is as good as anything that could be found anywhere: that there were other types of factories, four or five stories high, with large numbers of workers, insufficiently lighted and badly ventilated: that there was lack of retiring conveniences for both sexes: the factories were not clean: that the older type of factory ought to be wiped out, and that no such building should be permitted as a factory building.

In response to the question of the counsel for the Commission I said there were not 800 or 900 such factories in Rochester, but perhaps 400.

I also said that there were many workshops in the rear of buildings, that is, meaning houses, where the householder is a sub-contractor, and that lack of ventilation exists in these buildings, particularly in the garment trades, especially where people have to sit and work with their fingers rapidly.

I pointed out the fact that bad ventilation has its effect upon the life of the worker, in disease, as in anemia and diseases of the lungs. This added to low wages and increased cost of living weakens people who work under these conditions, interferes with the proper support of their families and breaks down health. Lean-

ing over and the long confinement in sewing induces pelvic and other diseases. Both men and women are affected by bad air. No female can work to the same extent as a male without injury to her health, especially in the clothing industry and the dusty trades. I said that no factory should be occupied by men and women, to say nothing of children, unless there is adequate light and a forced ventilating system; and that air coming into the factory should be filtered through cheesecloth and moistened. There should be provision for adequate quantities of air for each person so employed: that there should be a pneumatic system of cleaning for every factory because dust is dangerous to the health of working people: that no pregnant woman should be employed: that there were large numbers of cases of tuberculosis among factory workers, and that this was particularly so in the garment trades. Tuberculosis was increasing, and that prevention of tuberculosis may be summed up in the question of a living wage. I also spoke of the laundry industry requiring children and women to stand and the effect of standing on the legs and feet of women.

I called attention to the large amount of home work in Rochester, principally tailoring, together with some shoe work and said, that every bit of work taken into home puts additional strain upon a family, especially the women: that a woman could not do this additional work without injuring herself and lowering her resisting power. When industry requires work injurious to the worker, the hours should be shorter and wages increased, and that no child under 18 years of age should be permitted to work.

My statement that last winter we investigated most of the clothing factories should be made to read "some" instead of "most" of the clothing factories. We did not complete the examination of the garment factories in large part last winter, but we made an examination of the garment factories in part. My statement with reference to the number of factories that should be wiped out, "perhaps 400" should be read in connection with that relating to the older type of factory and the reply to the counsel of the Commission as to how many there are in Rochester. When I made this statement I was pleading for a model factory with the same desire that years ago I pleaded for a model school house, where proper attention should be given to cleaning, lighting, ven-

tilation, warming and moistening the air. Now, as you know, our school buildings, all of those built within the last 13 years, have the most modern systems of ventilation, fans delivering warmed and moistened air to each building, so that 3,000 cubic feet of warm moistened air is delivered for each pupil per hour.

As I said in my testimony: "Those rear buildings are pretty well lighted (meaning the factories), but there is lack of ventilation that exists particularly in all the garment trades, especially where people have to sit bent over and work their fingers rapidly. A door or window opened is immediately a signal for loud protest."

When I was asked last summer to make an investigation of the factories in Rochester, I declined to do so at that time, not altogether from pressure of work, but because the summer is not the proper time in which to make a sanitary investigation of factories, including examination of heating, lighting and ventilating facilities which are out of commission at that time of the year. This winter, with a small force of four or five men for all other sanitary work in the Bureau, I am now making an investigation of factories.

From what I have seen, I believe the figure 400 is too high. You will understand, that when I made this statement I was giving an estimate and that I was basing my statement on a desire for model factories. I assume that every man, whether he be a manufacturer or a consumer, desires for the husbands and brothers, the wives and daughters who toil, nearly ideal conditions of labor, and that they shall be surrounded with all that makes for the highest health, including light, ventilation, warming, cleaning and retiring conveniences, so as to make the work as little burdensome as possible. For we must understand, that a sitting factory worker must have physical surroundings quite as good as the child in the schools, if that worker is to remain a useful citizen; and that the air in offices occupied by clerks and others who may move around may be not so good as that in a shop or sitting occupation and yet not interfere with the health of the worker to such an extent.

I believe Rochester factory conditions to be comparatively good; when I gave this testimony I did not believe, and I do not now

believe, that most of our factories compare favorably with what should be an ideal factory, such as the models of ideal factories which are before us in Rochester, and in which large numbers of Rochester workers are employed.

There should not be read into my testimony a charge against the clothing industry alone.

I think Mr. Chairman, that concludes my statement.

RICHARD H. CURRAN, stated that he desired to be heard by the Commission.

Mr. ELKUS: Go ahead, Mr. Curran.

Mr. CURRAN: I would state for the benefit of the Commissioners the object we have in view in appearing in regard to the proposed bill now drafted by the Commission. We understood that objections were to be raised to some parts of the bill, and we are here.

Mr. ELKUS: The foundry bill?

Mr. CURRAN: The foundry bill.

Mr. ELKUS: We did hear a great deal of objection to it at Albany.

Mr. CURRAN: I understand that that part requiring the cleaning of castings was considered hard on the manufacturer.

The CHAIRMAN: That is, cleaning them in a separate room.

Mr. CURRAN: I wish to state for the benefit of the Commission that we have statistics which we desired to submit to the Commission this afternoon, but we will not have an opportunity of doing so before to-morrow, and I have been instructed to appear before the Commission to-morrow and submit those statistics relative to every man who has received a sick benefit as far as our organization is concerned, and what the illness was, and the localities in the State of New York. We believe that the enactment of the bill as proposed by the Commission will at least eliminate most of these diseases which now are complained of.

The CHAIRMAN: Is there any one here who desires to speak against the foundry bill?

MR. ELKUS: Is any foundry represented here? Any representative who desires to be heard?

(No response.)

MR. ELKUS: You can present those statistics to-morrow in Syracuse.

MR. CURRAN: I will present them because I think they are very important, not only to this Commission, but looking to the enactment of that law.

MR. WILLIAM BUCHANAN stated that his testimony remains the same as given a year ago. There is nothing to be added.

MR. JOSEPH STOKES then stated that he would like to be heard by the Commission.

MR. ELKUS: Do you want to speak about one of these bills?

MR. STOKES: Mr. Chairman, we wish to say a few words here in regard to Bill No. 20, polishing buffer wheels. We introduced an amendment to the bill at the State Workingmen's Federation at Oswego, trying to eliminate, if possible, females working at the trade. I have taken it up on several occasions before the deputy factory inspector in regard to the law as it stands, and there is one technical point in there at the present time, Mr. Chairman, I am informed, that does not prevent females working at the trade. We believe it is injurious to the health, we know it is. It has been proven that 60 or 65 per cent of our members who work at the trade die with lung trouble. That has since been reduced considerably to about 40 or 45 per cent. We believe it is injurious to the health of females to work at the trade, therefore it is our wish to have those last lines, lines seventeen and eighteen stricken out, if possible.

THE CHAIRMAN: Read them.

MR. STOKES: Where articles of the baser metals or of irridium are manufactured. That word "Baser" metal has been the technical word, Mr. Chairman.

MR. ELKUS: That is in the present law?

Mr. STOKES: That is in the present law.

The CHAIRMAN: You think that ought to be stricken out?

Mr. STOKES: Yes, we suggest that amendment.

Mr. ELKUS: Are there many women employed in these trades?

Mr. STOKES: Not in this State. There are a few in Buffalo and we are taking the matter up.

The CHAIRMAN: Is that all?

Mr. STOKES: That is all I wish.

Dr. GEORGE W. GOLER, then stated that he wished to be heard by the Commission.

Mr. ELKUS: Proceed, Dr. Goler.

Dr. GOLER: I have not all the bills so I can only make suggestions in reference to bills that I have received.

In bill No. 9, page 2, line 18, the word "privy" is introduced. I wonder if counsel can say why "privy" was introduced in that bill. Why they were not all made water closets.

Mr. ELKUS: I do not know. That is probably some language that has been copied from another bill.

Dr. GOLER: That is bill 9, page 2, line 18.

Mr. ELKUS: That is the present law.

Dr. GOLER: The same thing in bill 11, page 2, and line 1, then bill 13, line 7.

Mr. ELKUS: I beg pardon about that bill No. 11. That is not the present law, that is new. You mean that the word "privy" should be left out?

Dr. GOLER: Yes, sir.

Mr. ELKUS: There are privies, you know, connected with some of the country factories.

Dr. GOLER: I do not see why they should be.

Mr. ELKUS: They are permitted by the local law.

Dr. GOLER: Then those promoters of constipation should be wiped out.

Bill No. 13, line No. 7, relating to backs of chairs. The backs of the chairs should be made adjustable, or else the height of the back should be stated in the bill.

Mr. ELKUS: It says with the proper backs.

Dr. GOLER: Proper back may mean a back so high (indicating).

Mr. ELKUS: That would not be proper, would it; what language would you suggest?

Dr. GOLER: I say either the height of the back should be stated or else it should be made an adjustable back.

Bill No. 17, page 2, line 7, relating to drinking cups. There is a very cheap mechanical fountain device now, or else there should be paper drinking cups.

Mr. ELKUS: What is your suggestion?

Dr. GOLER: I make that suggestion because in one of the New York establishments recently, there was an epidemic of mouth syphilis, due to the use of a drinking device of some kind.

Mr. ELKUS: You mean that you want to have something added to this provision?

Dr. GOLER: I want to add it there, page 2, about line 7, that it must either be a mechanical drinking fountain, or a cheap arrangement with paper cups.

Mr. ELKUS: Or the use of paper cups?

Dr. GOLER: Yes, one or the other. At the same time provision should be made for paper or individual towels. Somewhere in these bills there should be a standard of artificial lighting, as well as a standard for natural lighting.

Mr. ELKUS: We have a lighting bill, the power is given to the advisory board.

Dr. GOLER: If that can be regulated by the advisory board, that is all right.

Bill No. 25-A, line 5, under ventilation. The air space should be defined, and the movement of air regulated. As I said a little while ago, ventilation is a question of air currents and not of the number of cubic feet of air space. There should be a provision inserted to require freedom from dust, and such statements should be inserted relating to ventilation other than windows — good and sufficient ventilation, that is too inexact to have much effect.

Bill No. 25-B, page 2. A special means of ventilation should be stated in the law.

Mr. ELKUS: Is there any other member of the unions who desires to be heard?

(No response.)

Mr. ELKUS: I understand a representative of the Grocers' Association desires to present some papers.

Mr. WILLIAM H. BURR then stated that he desired to be heard by the Commission.

Mr. ELKUS: Whom do you represent?

Mr. BURR: I represent the Retail Grocers' Association, a mutual association.

Mr. ELKUS: How many members has your association?

Mr. BURR: About one hundred and fifty of the grocers' association, and one hundred in the mutual association, and I understand there has been a measure presented to the Legislature embodying the things which we desire. We have asked that a measure be introduced whereby all grocery stores will be required to close all day Sunday and that grocery stores and meat markets will be required to close at 6:30 on every week day night, every day of the week, except Saturday, and that on Saturday night they shall be required to close at 9:30.

Mr. ELKUS: You want legislation to that effect?

Mr. BURR: Yes, we want legislation to that effect.

Mr. ELKUS: You represent the employers?

Mr. BURR: Yes.

Mr. ELKUS: Is there anything to stop you from closing at those hours?

Mr. BURR: There is nothing to stop us closing at those hours, except the conditions that have grown up about the business.

Mr. ELKUS: You mean that some people would not do it?

Mr. BURR: Yes, some of the people would not do it. We are asking simply that the same legislative protection be extended to the grocers and the meat dealers that the State has extended to the contractors for the municipalities, as to whom they require but eight hours a day, to be a standard day, and they have defined it and made it absolutely certain as to what shall be required for a day's work. The purpose of this law is to meet the conditions that have grown up about the business. In the practical operation of the business I know that employers find it difficult to find satisfactory and reliable help, because the factories here are required to give an eight-hour day and to give full wages for that time. The grocery men by reason of the long hours they are required to work, for that reason the employers are unable to find help that is reliable. The grocery men to-day, in the practical operation of their business, are compelled to open their business at six o'clock in the morning, or seven, and continue business until six or seven at night, and on Saturday nights until eleven or twelve. That condition of affairs has been forced upon him and upon the men whom he employs, and it requires ten, twelve or fourteen hours a day. That condition itself has brought about in the mind of the grocer the conviction that the conditions in his business that have been thrust upon him are conditions from which he ought to have legislative relief. That is, by standardizing his business, and making it a business which can be conducted so many hours each day, and requiring that all must close their business at a certain time, and on certain days. Our Legislature in respect to the Sabbath has already defined what the Sabbath day is, and has attempted to legislate the question.

Section 2147 of the Penal Code requires that all grocery stores and food stuff stores may be open prior to ten o'clock in the morning — and after that those things may not be sold. The practical result of that has been that it is an open door to the violation of the law, and that law is being violated both in spirit and in intent and in letter, in every town and city in this State, and in the city of Rochester several arrests and convictions have been had under this provision. The dealers in the food stuffs in the cities, in order to avoid the operation of this law, are running what they call delicatessen stores, in which they are not selling the grocery products, but simply selling cooked foods. Now, the conditions as I have said before, in the labor market, the long hours which are required in the work, in order to satisfy the customers, these the grocery man has had to keep up, they have been forced upon him, and it has brought about a condition which makes it now necessary for him to ask for the Legislature to standardize his business in the same way as it has standardized the business of the contractors under the State and municipal authorities. There are certain objections, of course to this law. It may be said on the one hand that it will injure competition. It will injure bad competition only. So much goods have got to be sold and if they are not sold on the seven days of the week, they will be sold in the six. It may be said again that it will inconvenience customers, but that contention cannot be proved for the customers can take the opportunity of purchasing on Saturday as well as on Sunday, and we believe that observance of Sunday, where the grocerymen and meat dealers are required to keep their stores closed on that day, we believe that will tend to the profit and sobriety and stability of the community. We believe that it will make the labor conditions very much better for the clerks employed in the stores. We believe it will make the conditions very much better for the grocerymen and the meat dealers. We believe that it will elevate the business and place it on a standard in which it will receive greater respect from the community and a better class of men can be obtained to work in the grocery stores.

Mr. ELKUS: Have you drafted a bill to carry out your ideas?

Mr. BURR: No, we have not.

Mr. ELKUS: We would be very glad, if you have a draft of such a bill to receive it, and we will take your suggestions as you have given them to us.

Mr. BURR: The principal reason why these things are required is to elevate the business and make it better, not only for the consumers, but for the clerk in the store especially, and to give every competitor in the business an equal chance before the law to transact his business upon an exact and definite basis.

If there are any practical suggestions which your committee desire you can call one of the members of the association. They are here, the president and some others, and they are familiar with conditions as they exist here.

Mr. PHILIP A. DE PUIT then stated that he desired to be heard by the Commission.

Mr. ELKUS: Proceed, Mr. De Puit.

Mr. DE PUIT: As a member of the Retail Grocers' Association I know somewhat of the conditions pertaining in the grocery business, and have had twenty years' experience in the retail business. My experience is that it is getting more and more difficult to get employees on account of the number of hours which we have to keep them employed.

Mr. ELKUS: What are your hours now?

Mr. DE PUIT: We open our store at 6:30 and close at 6:30, and Saturday nights at 9:30.

Mr. ELKUS: How long do you have for lunch?

Mr. DE PUIT: An hour and a half. I think those hours are shorter than the average store. We are in a neighborhood where that is allowed.

The CHAIRMAN: Do you keep open every night?

Mr. DE PUIT: In a great many localities they do, yes, sir.

Mr. ELKUS: You think if it were compulsory all would close up and nobody would suffer by it?

Mr. DE PUIT: I think it would be a good thing.

Mr. ELKUS: A good thing for the employers and the employees also?

Mr. DE PUIT: Yes, sir, first rate.

Mr. ELKUS: We will be very glad to consider it. Is there anybody else who desires to be heard?

Mr. JOHN LEVEQUE then stated that he desired to be heard by the Commission.

Mr. ELKUS: Proceed, Mr. LeVeque.

Mr. LEVEQUE: I am a general manager for Woodbury & Company. We have a number of stores. We find it more difficult every year to secure help of a good grade. Men are all complaining of the long hours. It is no inducement for a young man to go into the business.

The CHAIRMAN: What are the hours?

Mr. LEVEQUE: We open at half past six and close at half past six. Saturday night some stores close at eight and some at ten and some at eleven, according to the neighborhood they are in. The hours are too long to secure good help. The help you can get are those who can find nothing else to do.

Mr. ELKUS: You want compulsory closing hours?

Mr. LEVEQUE: We want all to close. That is what we want.

Mr. ELKUS: How about that being constitutional?

The CHAIRMAN: Of course, that is a serious question.

Mr. ELKUS: You think it is necessary for both the employers and the employees that there should be a closing hour, about six every evening?

Mr. LEVEQUE: About half past six; they ought to close at six, and it would be much less trouble in securing help.

The CHAIRMAN: You think if you closed at seven o'clock on Saturdays, those who get their food stuffs later would get them before that time, so that it would be just a matter of adjustment?

Mr. LEVEQUE: The Hebrews close on Saturday in some sections, you must take that into consideration. If they were open from six to nine-thirty on Saturday nights they could transact their business.

Mr. ELKUS: Is there any other gentleman who desires to be heard? Is there any other witness, or anybody desirous of being heard upon any matter?

Mr. WOODWARD: May I be permitted to express a word of appreciation? I think all those who have listened to these proceedings of the Commission will agree with me that your work has had a very distinct moral effect even on a city so good as Rochester, not to say anything about the more benighted portions of the State. Our manufacturers and merchants are all progressive, they are interested in legislation, legislation that will bring about the better things, as long as it is reasonable and does not work a hardship. I also wish to express our appreciation for the courtesy and the consideration of counsel for the Commission, the courtesy he has shown us in permitting us to bring before the Commission such information as we had.

Mr. HENRY J. SCHAAD then stated that he wished to be heard by the Commission:

Mr. ELKUS: Proceed, Mr. Schaad.

Mr. SCHAAD: I am president of the Rochester Meat Dealers Association. I would like to say a word in regard to the Sunday closing law. We have a law on the statute books prohibiting markets being open on Sunday. We have found during the last eleven years since it has been on the statute books it has been a great success, and the trade have gotten so accustomed to it that they do not seem to make any protest in regard to the closing. Everybody seems to be satisfied. When the law was first passed there was considerable protest, but now we find that it works very well.

The CHAIRMAN: Everybody has become adjusted to it?

Mr. SCHAAD: Yes. We all close Saturday nights at eleven or twelve o'clock. We made an agreement a year ago to close the markets at ten, and we found that to be very successful.

The CHAIRMAN: You think if it were extended to the grocery-men the same thing would happen?

Mr. SCHAAD: Yes.

Mr. ELKUS: Is there anybody else who desires to be heard?

(No response.)

The CHAIRMAN: If there is no one else who desires to be heard, the Commission will adjourn to meet to-morrow, December 11, 1912, in the Common Council Chamber, in the City of Syracuse.

HEARING OF THE STATE FACTORY INVESTIGATING COM-
MISSION AT SYRACUSE, N. Y., DECEMBER 11, 1912, COMMON
COUNCIL CHAMBER, 10:30 O'CLOCK A. M.

Present:

HON. ROBERT G. WAGNER, *Chairman*,
HON. ALFRED E. SMITH, *Vice-Chairman*,
HON. EDWARD D. JACKSON, *Commissioner*,
HON. CYRUS W. PHILLIPS, *Commissioner*,
MR. B. L. SHIENTAG, *Assistant Counsel to the Commission*,
MR. FRANK A. TIERNEY, *Secretary to the Commission*.

MR. SHIENTAG: This meeting is held in the city of Syracuse pursuant to the same policy that we have adopted in all of the other cities of the State, of giving all of those interested in the Commission's work an opportunity to be heard on the proposed bills that have been issued. These bills have not been approved in any way by the Commission. They simply embody recommendations that we have received for the improvement of factory conditions, recommendations that have come to us from all sources, and which we have made up and incorporated in the form of the the proposed bills, in order to give those who are interested in these provisions, or who would be affected by the provisions, an opportunity to study the recommendations carefully and come before this Commission and give us their views and suggestions and criticisms concerning them. In all of the other cities of the State we have had before us manufacturers, employees, representatives of organizations, representatives of civic organizations interested in the improvement of conditions. We have no desire to recommend legislation that would injure the industries of this State. The Commission believes that the industries of this great State should be given an opportunity to grow and develop, but at the same time we firmly believe that it is to the interest of the manufacturers and the interest of the State to so conduct their business that every employee will be properly and adequately protected. It certainly is the true end of every government to

protect and safeguard the lives of those who contribute most materially to its economic prosperity. No government properly performs its functions which permits young children six, seven or ten years of age to do the work that men and women should do in our industrial life, when it deprives childhood of the happy hours and pleasures that are its due, when it permits the women to work outrageously long hours, and when it permits its men to work in factories under conditions that breed disease. The problem that we have before us is a very great one. We need all the help that we can possibly get to solve it successfully, and we want every one, everybody interested in this great problem from any side, to come before the Commission and tell us fully and frankly what they think of the proposed measures that we have incorporated in those bills. Everybody will be given an opportunity to be heard fully.

This is the first time that a commission has taken the trouble to incorporate in proposed bills, recommendations that have been received. Of course, if it would be possible for us to go among the many thousands of persons interested, and have informal talks about these matters these bills would be unnecessary. We could not do that, and we felt that it was only fair to those interested to give them an opportunity to state what they had to recommend to the Commission concerning matters that it is considering.*

With your permission, Mr. Chairman, we will first call Mr. Stilwell, of the Chamber of Commerce, representing the manufacturers.

The CHAIRMAN: I just want to add in justice to some of the other members of the Commission that they are remaining in the city of Rochester to further conduct the investigations on behalf of the Commission. I expect they will be here before we conclude the hearing.

GILES H. STILWELL then stated that he desired to be heard by the Commission and was interrogated as follows:

Examination by Mr. SHIENTAG:

Q. Are you connected with the Chamber of Commerce of the city of Syracuse? A. Yes. I am connected with the Chamber, but I am not an officer of the Chamber at the present time.

*The tentative bills referred to are set forth at the end of this volume.

The CHAIRMAN: Are you appearing here individually or on behalf of any organization?

Mr. STILWELL: I am appearing here on behalf of the H. H. Franklin Manufacturing Company absolutely. I was asked by the secretary of the Chamber of Commerce to speak for the Chamber, but after conferring with him I understood that I would not be expected to represent the Chamber generally.

Q. What is the business of the H. H. Franklin Company?
A. The manufacturing automobiles.

Q. How many employees have you? A. About 1,200.

Q. How many men and how many women, approximately?
A. No women except in the office, except about fifty.

Q. Have you seen the proposed bills that the Commission has issued? A. Yes.

Q. We shall be very glad to have your views concerning any of them, and such other recommendations as you care to make, Mr. Stilwell? A. In general the spirit and purpose of the bills are approved, as far as the Franklin Manufacturing Company is concerned. I think, generally, if I should speak for the manufacturers of this city, as a representative of the Chamber of Commerce, they feel that the provisions in general are too drastic, especially if they are to be put into force at once in all buildings. That is, if they are to be required in all buildings there ought to be a time, one or two or more years for certain of the provisions to be put into force, and the discretionary power should be given to the Commissioner of Labor or to the State Fire Marshal, whatever the case may.

Q. Discretionary power to extend the time to comply with the provisions? A. Yes, because it will turn out in some cases probably that in order to put these provisions into force it will be best to abandon perhaps an old building. It would not be wise to do all the repairing or reconstructing necessary to make the building comply with the law.

Q. Do you know of any such building in the city of Syracuse, where it would have to be abandoned if these proposed bills become laws? A. I do not.

Q. Are there any specific provisions in these bills that you would like to call attention to, as being too drastic? A. On behalf

of the Franklin Manufacturing Company I would like to call attention to two or three provisions. Our construction is what we call modern slow burning mill construction, of concrete or brick construction. The buildings have all been recently constructed.

Q. How long ago were they constructed? A. The first one was constructed in 1902, and the others have been constructed, most of them, within the last five years.

On page 7 of Bill No. 4 in paragraph 5, it relates to the construction of a fireproof partition for stairways to be built of brick, terra cotta or reinforced concrete. It is our opinion that there ought to be an exception provided there to read something like this: "Except on old buildings where stairways are of slow burning mill construction, and where each floor is equipped with an automatic sprinkler system, and has sufficient stairways available for egress from each floor." Our stairways are all built of what is known as slow burning mill construction.

Q. Are they enclosed? A. Yes.

Q. But not with the fireproof material specified here? A. No.

Q. How many stairways have you in the building? A. We have three general stairways in our factory building.

Q. Is there a fire wall of any kind in the building, a dividing wall? A. Yes.

Q. And have you stairways on either side of the fire wall, on both sides? A. Yes.

Q. That is a matter that has been brought to the attention of the Commission; the advisability of waiving this requirement for the fireproofing of stairways where they are enclosed, when there was a fire wall with stairways on either side of the fire wall. Would that amendment be satisfactory? A. That would be satisfactory.

The CHAIRMAN: Would that clear your case up entirely?

The WITNESS: That is all I am speaking for now.

The CHAIRMAN: Another suggestion was made that we ought to add the words, "or other fire resisting material."

The WITNESS: I think that might help. I do not know as it would help us.

Q. Is not fire resisting material slow burning? A. That is our theory. In our place everything is exposed, so that there cannot be any chance of raising the temperature.

Q. As a general proposition you think that in the ordinary building wooden stairways that are not enclosed are a source of danger? A. Certainly, yes; we would not object to the general idea of the bill.

On page 2 of the same bill, No. 4, near the bottom of the page, in regard to lights, or in regard to screens, permitting screens over the windows. It is our opinion that there ought to be an exception in there in regard to skylights and elevated windows that are not available for egress purposes. For instance, we have just put up a new building, about 295 feet square, one-story, and on two sides of it, I think, we have got windows about ten feet from the floor, and they are put in for the purpose of light only and could not be used for egress in case of fire. Now those windows we have covered with permanent screens, and we do not see any reason why they should not be there. They front on the street, and if the screens were not there every day practically there would be lots of glass broken out. Where a building has sufficient means of egress, especially if it is a one-story building, it does not seem as though the law ought to prohibit placing permanent screens over the windows.

Q. You say these windows could not be utilized in any way as exits? A. They could not very well, because they are ten feet up.

Q. What is the character of the screen? A. Wire, heavy wire.

Q. That could be broken in very readily from the outside if necessary, could it not? A. Yes, I believe that would be so.

Q. I believe your suggestion is a good one. A. According to this law as it reads, we might apply it to skylights. We have a saw tooth roof, and these lights above are arranged to let in the light to the workman of course, and they are screened.

Q. I do not think that is intended.

By Commissioner JACKSON:

Q. You referred to the matter in lines 15 to 22. A. Yes, that is the existing law, but there is a little added to it there.

The CHAIRMAN: If your windows could not be used as a means of egress they hardly would be covered by this provision, would they?

The WITNESS: Well, the law is not exactly clear in regard to that. The law does not say whether the windows shall be two feet from the floor or four feet or six feet.

The CHAIRMAN: If they cannot be used for purposes of egress I do not think the law would apply. I think that is the intent of the law, what you say it ought to be. Possibly we could use clearer language.

The WITNESS: I assume that is so.

In bill No. 18, near the bottom of page 2, in regard to the enclosing of belting. I have talked with our superintendent in regard to that provision for the boxing in and enclosing of belting, and it seemed to him that the law ought to relate simply to horizontal belting, or perhaps if anything more than horizontal belting, only to that vertical belting that goes down below seven feet from the floor, and not more than about five feet, the fact being that where a belt comes down to a machine at which a man works, it would be impracticable to enclose it without increasing the risk more than you would avoid it, the enclosure being a menace.

Q. The bill provides, of course, Mr. Stilwell, that the Advisory Board of the Department of Labor be given power to make rules and regulations for the prevention of accidents and for the safeguarding of machinery and enclosing belting, and in cases of the kind you mention I hardly suppose any regulation would be adopted that would require the boxing in of belting that was near the ceiling? A. My belting comes down near the floor, down to the lathe where the man works. If it is vertical belting it has to come down within three or four feet of the floor.

Q. How do you think that ought to be protected, that portion of it, if a man may come in contact with it? A. I suppose it ought to be protected by some device that will lessen the danger rather than increase it, the idea being that you must not increase the danger rather than lessen it.

Q. Is not that a matter that would be taken care of by this expert board that is to be created; there is no hard and fast rule as to how they shall be protected? A. I realize that.

The CHAIRMAN: By the way, Mr. Stilwell, are you going to say something about the advisory board?

The WITNESS: No.

The CHAIRMAN: You saw the bill?

The WITNESS: Yes, I have not looked it over very carefully.

The CHAIRMAN: What is your opinion about the creation of an advisory board for the purpose of fixing standards, rules and regulations in the different industries?

The WITNESS: It would be my individual opinion that it is an excellent idea.

The CHAIRMAN: Would you prefer to have that discretionary power lodged somewhere rather than have the specific statutes in each case?

The WITNESS: In regard to certain things I would say so, because I think it is impossible to make the statute specific.

The CHAIRMAN: Is it your opinion that we could by law provide the minimum requirements or standards, and then have the other things regulated by this advisory board, the other requirements for the protection and safety of the employees?

The WITNESS: That would be my opinion.

By Mr. SHIENTAG:

Q. That certainly is the case as to precaution against accidents, and the safeguarding of machinery? A. I think it is.

Commissioner JACKSON: You say, in the opinion of your superintendent it would be more dangerous to apply a covering to the belting. I cannot just get that point there. Belting coming down, say, three feet from the floor, could be inclosed in a wire mesh.

The WITNESS: I think he has in mind perhaps where they have cone pulleys, where they have to shift the belt from one circumference to another, and they have got to work around the belting, to handle it, and then the inclosure becomes a menace. I would not want to speak in detail in regard to that. Mr. Bab-

cock is here, and I would be very glad to have the Commission hear what he has to say in regard to that point. I do not claim to understand it thoroughly.

Mr. SHIENTAG: We will be very glad to hear Mr. Babcock. Are there any other matters you wish to call our attention to?

The WITNESS: No. I simply would not want it understood that I speak representing the Chamber of Commerce or anybody in what I say, because our conditions are very much different from those of a number of manufacturers.

By Mr. SHIENTAG:

Q. You stated at the beginning that it was your opinion that the manufacturers thought the proposed bills were too drastic. Have you anything specific that you would like to speak to the Commission about, along those lines? A. I have none that I would like to mention. I know of some of the older manufacturing buildings of the city—I would not like to mention them—but the owners are of the opinion that they could not meet these requirements forthwith without perhaps expending more than the buildings are worth.

Q. Do you think these requirements are necessary for the safety of the employees in these buildings? A. It is my opinion that they are in general. We are trying to do the same thing that you are indicating here, but I have this in mind, that the employees are interested in not having the employer so overburdened that he will have to go out of business. He would rather have the employer given a reasonable time to adjust himself to the new requirements.

Q. Your point as to the time is a good one. Is there anything further? A. I think that covers all.

Mr. SHIENTAG: Thank you very much.

Mr. GEORGE BABCOCK stated that he would like to be heard by the Commission.

Examination by Mr. SHIENTAG:

Q. You are connected with the H. H. Franklin Manufacturing Company? A. Yes.

Q. In what capacity? A. Works manager.

Q. Are you an engineer? A. Yes, sir.

Q. Is there anything you would like to say to the Commission about the proposed Bill No. 18 that Mr. Stilwell called attention to, about the guarding of belting? A. Why, with respect to the belting. I would like to make some simple explanation of the working of the law. That belting coming within seven feet of the floor must be guarded or boxed. If that is stationary belting I could see no particular objection to it, especially if that belt happened to be in an exposed position, but as to belting where it must constantly be changed, must be shifted, it is practically impossible. Where the belt is working in an inclosure, and the belt has to be shifted, it introduces two dangers. One is that the clothing or hands of the person shifting the belt will be caught, and all belts cannot be shifted by mechanical devices. There is the liability of the operator being caught, and the further liability that with all the belting which is in service, an industrial organization, keeping that in a protective equipment would be a difficult matter. That is, so as to prevent accidents from the equipment itself catching on the clothing or hands of the operator.

Q. Is it not possible to adjust your wire screen so that the belts may be readily shifted? A. Not in all cases.

Q. In most cases, is not that possible? A. No, it is not, not on machines where they have cone pulleys and multiple belts.

Commissioner JACKSON: And do you think it is a safe proceeding to shift belts by hand when they are revolving rapidly?

The WITNESS: In most cases, most kinds of modern machinery, it is necessary.

Q. Is it safe? A. Perfectly so if the laces are tight.

Q. Is there not any way of having a protecting device for belting, even in the case of shifting the belting? A. Only by so locating the machinery that no one except the operator comes in contact with the belt.

Q. Is not that practicable? A. Yes.

Q. Should it not be done as a matter of safety? A. Not as a legal requirement.

Commissioner JACKSON: You mean it would be too expensive?

The WITNESS: It would be impossible for a great many manufacturers to so arrange their mechanical equipment that they did not have a passageway near the belting. In the case of vertical belting, that comes to machines in general, it is a movable belt, and it cannot be inclosed; it is a belt transmitting a certain amount of power, but does not introduce the possible danger that a heavy belt does.

Q. Your idea is that stationary belting within seven feet of the floor ought to be boxed in, and shifting belting should be protected in such manner as the advisory board may deem advisable, something to that effect? A. Yes, that is very good.

Commissioner JACKSON: Why is it not possible that automatic shifting belting be arranged?

The WITNESS: I could not answer that. If a mechanical shifter was put on it would introduce a great amount of cumbersome equipment, and accidents are very few from belt shifting.

Commissioner JACKSON: Have you ever had any accidents in your plant due to belt shifting?

The WITNESS: Not due to belt shifting.

Commissioner JACKSON: Directly or indirectly?

The WITNESS: Yes, very small bruises or abrasions of the hand on account of broken laces.

Commissioner JACKSON: Of course the danger of a serious accident is pretty great, is it not?

The WITNESS: Judging from the fact that we have had no serious accidents from belting of that kind, I should say not.

Mr. SHIENTAG: Otherwise, is this proposed bill relating to the prevention of accident satisfactory from the technical standpoint?

The WITNESS: I could not answer that. From the standpoint of our particular company it is.

BERT E. SALISBURY then stated that he desired to be heard by the Commission.

Examination by Mr. SHIENTAG:

Q. Whom do you represent? A. Pass & Seymour.

Q. What is their business? A. Manufacturing house-wiring supplies of an electrical nature.

Q. How many employees have you? A. Four hundred approximately.

Q. How many men, and about how many women? A. About half and half.

Q. Do you employ any children? A. No children.

Q. Have you read the proposed bills? A. I have read an abstract of them, an abstract prepared by the Chamber of Commerce. The first objection I want to bring up opposed to this proposed legislation is more in the nature of a general objection. I appreciate the fact — I appreciate that the spirit back of this movement is all right. It probably has been instigated by the unfortunate holocaust in New York city and in other cities where factory workers necessarily work under very congested conditions, and my main criticism of the bills as a whole, and I will later give some specific instances, is the fact that it is attempted to deal in a general way with factories all over the State, having in mind the conditions as they exist principally in the congested districts.

The CHAIRMAN: I will correct you on that point. We found in some sections of the State where it was not congested, that there were very poor factories, unsanitary factories.

The WITNESS: That is probably true.

The CHAIRMAN: We found that Syracuse was no exception.

Mr. SHIENTAG: We found that the fire hazard was very great in the up-State cities. You have not, of course, the high buildings, but the fire hazard is great.

The WITNESS: We have not the high buildings, and we have not the necessity for the economy of floor space.

Q. You would not be affected by many of these proposed pro-

visions? A. Perhaps not, but I want to say that if in this legislation we could have in mind the question of drawing up laws that will affect perhaps the cities of the first class, cities of the second class and cities of the third class, we might obviate some difficulties.

Q. Is it not the fact that these provisions would not bear heavily on the small factory? A. Some would not.

Q. Is not that so? A. Yes, I think that is so.

Q. We would like to hear you on some of the specific cases? A. As to the specific objections, one of the provisions of the bill, as I understand from this digest, I have not had an opportunity to go over the bill itself, is a provision for a fire alarm system of signals which can be operated by the employees.

Q. Not exactly operated, but started in motion by the employees. A. Started in motion by the employees. My criticism of that is that if there could be found a way under which this fire alarm system could be automatically operated and would not be left open to the mischievousness of employees, it would be a better proposition, and where automatic fire alarm systems are installed, they are usually coupled with automatic sprinkler systems. They are usually coupled with the automatic fire alarm signals.

Commissioner JACKSON: Have you heard of any automatic fire alarm system?

The WITNESS: Yes, we have one in our plant that is connected with the automatic sprinkler system. When a head goes off it rings the bell.

Mr. SHIENTAG: And notifies the occupants of the building?

The WITNESS: The ringing of that bell is a notification of fire.

Mr. JACKSON: About how soon after the fire starts is the signal given?

The WITNESS: Just as soon as the heat is sufficient to open a sprinkler head, which experience shows is very quickly.

The CHAIRMAN: If the sprinkler head does not work the fire alarm does not work?

The WITNESS: That is true.

Mr. SHIENTAG: It takes some little time for the sprinkler head to be sufficiently heated to cause it to open?

The WITNESS: Yes, but the fact that the insurance companies give a very low rate, comparatively speaking, where the sprinkler system is installed, would lead one to judge that they consider it sufficient.

The CHAIRMAN: That is as far as the destruction of property is concerned, but remember the automatic sprinkler, while it puts out the fire, creates a great deal of smoke.

The WITNESS: That depends on the industry.

Commissioner JACKSON: That depends on the industry, in what way?

The WITNESS: You take a room and devote it to the manufacture of anything in which oil may perhaps be used, that produces a very hot fire, and experience has shown that a fire will set off a sprinkler head very quickly in a small room, before it is filled with smoke or gets near the danger point from the suffocation standpoint. They work very quickly.

Mr. SHIENTAG: Does this automatic alarm set off a gong on every floor?

The WITNESS: Only the floor itself where the fire is going on.

Mr. SHIENTAG: Only on the floor where the fire is going on?

The WITNESS: Yes.

Mr. SHIENTAG: In other words, if there was a fire on the second floor, the gong would sound on the second floor only?

The WITNESS: Yes.

Mr. SHIENTAG: How high is your building?

The WITNESS: Fifty feet high from the ground to the set of the roof.

The CHAIRMAN: What would happen to the people on the fourth floor if the gong sounded on the second?

The WITNESS: We have practically only two floors in the building.

The CHAIRMAN: You were speaking of the automatic fire alarm system; how it strikes only on the floor where the fire starts.

The WITNESS: They usually sound sufficiently loud to enable anyone in the building to hear, and they have ample time to file out.

The CHAIRMAN: I do not think that proposition is quite as good as our own.

The WITNESS: If the Commission could devise some scheme that would not depend upon the caprice of the operative, for, there might be a little flash, as the burning out of a fuse or something of that kind, and some hysterical girl would start an alarm of a fire.

The CHAIRMAN: We had a recommendation made to us that this appliance be put in the office.

The WITNESS: I understood the bill to read where any operative can start it.

The CHAIRMAN: Any operator on the same floor of course on which the operator works. You have fire alarms all over the city, and how many false alarms do you have by meddlesome individuals.

The WITNESS: We have a few here. I do not know how it is in other cities.

There is another question I want to bring up, not perhaps exactly on the question of the fire hazard. I want to take up from the standpoint of the up-State manufacturer the Fifty-four Hour Law.

The CHAIRMAN: By up-State you distinguish it from what particular place?

The WITNESS: New York city, the metropolitan district.

The CHAIRMAN: That distinction I never like to hear. I think we ought to be all one, ought to speak of it as just the one locality.

The WITNESS: Well, in these localities perhaps our customs are a little different than they are in New York city. In New York the nine-hour day is quite prevalent. Here in very many industries it is the ten-hour day. You can work that out and show that by closing at twelve o'clock on Saturday it makes an even fifty-five hours, instead of a fifty-four-hour week. If the law compels, as it does at the present time, a strictly fifty-four-hour week, that necessarily works out logically six days of nine hours each, which cuts out the Saturday half holiday.

Q. Give us a concrete illustration of what time women begin to work in your factory? A. Seven o'clock in the morning.

Q. At what hour do they stop? A. Six at night, with an hour at noon. There are ten hours. If we have got to comply with the present law we have got to close at 11 o'clock on Saturday.

Q. Or else begin at 8 and close at 12? A. Yes, but that interruption of the routine work has a bad disturbing effect. If that Fifty-four Hour Law could have been a Fifty-five Hour Law it would have been better.

Q. What serious effect has it had on your industry? A. We have simply got to cut out Saturday half holidays.

Q. You could close on Saturday? A. It hardly pays to get a girl in to work four hours a day when they have to come three or four miles to work.

Q. You are complying with the law now? A. We certainly do.

Q. What is the result? A. They are sick about half a day each week.

Q. You mean you do not give them employment for a half day. A. They are not working over fifty-four hours per week. They are off for one reason or another. It interrupts the routine of the factory work, and I believe if that view of it could have been brought up prominently at the time the present Fifty-four Hour Law was promulgated perhaps we could have had a Fifty-five Hour Law, and that would have met that objection.

Commissioner JACKSON: That is just why the Fifty-four Hour Law was enacted, because there was too much routine.

The WITNESS: You understand it is necessary in a factory to have a system. I have another objection that I want to bring up. I do not know how this will take. We find it necessary in our business, and I guess some other people find it necessary in their business, to consider questions of economy, and it does seem to me that the administrative expense attendant on this bill is not along that line, that is, the salaries fixed in the bill. We have to pay them as well as others in the form of taxes. I think they are somewhat disproportionate to what similar talent would bring in other lines of work.

Mr. SHIENTAG: I want to say that those salaries are merely tentative.

The CHAIRMAN: You have reference to the \$15,000?

The WITNESS: Yes.

The CHAIRMAN: That is not the decision of the Commission at all. It was a suggestion that was proposed when we were making up the tentative draft, but I feel that the Labor Department is quite as important as the Public Service Commission in this State, and by the way, there was not any very great protest when that office was created either, and they are receiving \$15,000 a year. Perhaps you think that is a large salary to pay a Public Service Commissioner?

The WITNESS: Of course I do not know, but it seems to me that the talent required in the office of the Public Service Commission is such that it will perhaps command a higher remuneration.

The CHAIRMAN: That is where most of you gentlemen are mistaken. The Department of Labor in my judgment is one of the most important departments of this State. It has to do with all the factories in our State, with the question of sanitation, with the question of safety appliances, and matters of that kind, which certainly should require an expert, and from the humane standpoint is much more important to the State, in my judgment, than the Public Service Commission. It is of much more importance, but at the same time we agree with you that

that is perhaps too large and the Commission no doubt will not recommend any such salary.

Mr. SHIENTAG: What do you think ought to be the salary of the Commissioner of Labor, in a general way?

The WITNESS: I would put it down to \$10,000 a year. That ought to be a fair remuneration.

Mr. SHIENTAG: Anything else?

The WITNESS: No.

The CHAIRMAN: We are very thankful to you, Mr. Salisbury.

Mr. HENRY W. COOK then stated that he would like to be heard by the Commission and was interrogated as follows:

Examination by Mr. SHIENTAG:

Q. What concern do you represent? A. A. E. Nettleton Company.

Q. How many employees have you? A. 600.

Q. How many of them are men and how many women? A. Four hundred are men and 200 are women.

Q. Do you employ any children between the ages of fourteen and sixteen years? A. Some.

Q. How many, about? A. Possibly twenty-five.

Q. Boys or girls or both? A. Some of both.

Q. Have you looked over these proposed bills? A. Yes, quite a few of them.

Q. We would be very glad to hear you on any of them? A. Unfortunately I did not hear that discussion for the provision of the fireproofing of partitions around stairways. I would like to ask if that is intended to apply to old buildings, to be installed in old buildings, or if that is a provision for new construction?

Q. That is a recommendation that the Commission has received which shall apply to all buildings over two stories in height, existing as well as future buildings. How would you be affected by that provision? A. Well, we would be very seriously affected, it would be a very serious matter for us.

Q. What is the size of your building, give us the details? A. We have a building probably 200 feet long, six stories.

Q. How many feet wide? A. An average width of fifty feet, and our stairway, unfortunately the main stairway is through the center of the building.

Q. How many stairways have you? A. We have two.

Q. One is in the center, where is the other? A. One at the end. There is a fire escape at the other end.

Q. A fire escape or a fire escape stairway? A. A fire escape outside of the building.

Q. A zig zag stairway?

The CHAIRMAN: Perpendicular ladders?

Mr. COOK: Not perpendicular, on an angle.

Mr. SHIENTAG: Inclined?

Mr. COOK: Yes.

The CHAIRMAN: They are not stairs?

Mr. COOK: Iron stairs, with iron treads.

Mr. SHIENTAG: They are not built in the form of stairways?

Mr. COOK: No.

The CHAIRMAN: Do I understand those stairs are wooden?

Mr. COOK: No, iron, they are outside.

By Mr. SHIENTAG:

Q. Have you a fire wall in the building? A. No.

Q. How wide is the main stairway? A. I should say four feet.

Q. How wide is the stairway at the end? A. Four feet again.

Q. And the main stairway is about 100 feet away from the stairway at the end, is that right? A. That is right.

Q. How many people are employed on the different floors of your factory? A. On the top floor probably we have 200 people.

Q. What type of building is it, this is not a fireproof building? A. No, brick construction.

Q. Non-fireproof? A. No, but we get factory Mutual Insurance.

The CHAIRMAN: You have got automatic sprinklers then?

Mr. Cook: We have got automatic sprinklers, yes.

The CHAIRMAN: Don't you think the wooden stairway is a source of danger in case of a fire?

Mr. SHIENTAG: Particularly in the centre of the building?

Mr. COOK: No, I do not. We have automatic hatches on each of the stairways. We have had fire drills which have resulted in our getting our entire force of employees on the street in three minutes and a quarter, and with these two exits I can hardly conceive of an emergency other than an explosion that would interfere with our people getting out all right. My objection, if you care to have me develop it —

Mr. SHIENTAG: That is what we are here for.

Mr. COOK: The objection to installing those around the stairway located as it is in our building, in the centre of the building, the objection is that it obstructs coming around the different floors. Every move that we make in laying out machinery or the equipment of the different floors is made to keep all of the partitions, everything that might obstruct the view, out. There is nothing about the line of vision. If we were to enclose our stairways with this sort of a partition it would mean that we would shut off practically one-half of each floor from the other half. We find that it is well worth while and very important to have the foremen of the various departments keep the rooms open so that they can see what is going on, and they can accomplish their work much more efficiently and effectively than if they had to go around the partitions.

Mr. SHIENTAG: Look at the other side of it. Suppose there happens to be a fire right in this open stairway.

Mr. COOK: Well, each floor is connected with both stairways, and the fire escape.

By Mr. SHIENTAG:

Q. They would have to go past this stairway in the centre to get to the stairway at the end? A. But the automatic hatches

operate in case of fire. They would be closed. The people would have ample time to get out.

Q. What kind of automatic hatches have you? A. Why, they are about two inches thick.

Q. Made of wood? A. Wood and iron, they are sheeted over with sheet metal, and there is a fuse on every hatch which allows the hatch to drop in case of a certain amount of heat reaching the fuse.

Q. What would happen to people on the floor on which the fire occurred, supposing the fire occurred on the fifth floor? A. I cannot conceive of a fire starting on that floor and getting such headway that the people could not reach the other end. If we had just a single stairway in the middle of the building that would be different.

Q. But the people have got to pass the centre stairway to get to the other stairway at the end? A. There is ample room.

Q. This single stairway would act as a flue and the flames would concentrate there? A. I cannot conceive of a fire getting under such headway in three and one-half minutes.

Q. Perhaps you cannot conceive of such a situation, but we will get the views of the fire chief on that. A. It would have to be a fire in very combustible material, or an explosion of some kind.

Q. Wood burns very quickly when you have an open stairway.

The CHAIRMAN: You approve of new buildings being constructed of fireproof material?

Mr. COOK: I do absolutely, and I believe in keeping stairways of this kind out of buildings of that character.

The CHAIRMAN: You do think it is much safer than wooden stairways?

Mr. COOK: Much safer.

The CHAIRMAN: That is the problem before us.

Mr. COOK: If you will allow me to say so I think it is unfortunate to put it up to some of the smaller manufacturers, who are limited by their capital, by their means, to the buildings of older construction, the smaller buildings, to make it necessary for

them to go to the expense that it would mean. I think it would be a serious handicap for them.

The CHAIRMAN: Have you seen the next bill creating an advisory board?

Mr. COOK: I do not think so.

The CHAIRMAN: That advisory board is to be created consisting of experts principally to advise the Commissioner in the way of making rules and regulations for the different industries, so that the conditions that you speak of where it might be a hardship on one factory, it might be perfectly proper to enforce in the case of another factory, and that discretionary power could be used so as not to do any injustice.

The WITNESS: I think that is excellent.

The CHAIRMAN: Do you think perhaps it would be better to provide a minimum requirement by law, and have the other rules necessary for the protection of life and property, to have them regulated or provided for by the advisory board?

Mr. COOK: I think that is all right, yes.

The CHAIRMAN: I think that will solve a good many of these difficulties.

Mr. COOK: It seems to me that you are building up a big organization for carrying out the legislation that you propose, and it is going to be a big expense. There is some question in my mind whether or not there are not other State departments who might be working over into your domain, and the State would be paying money for that work as well as for yours. If we get by the inspector of the Factory Mutual Inspectors as to qualifying for insurance on buildings it seems to me that we are furnishing about all the qualification that we should.

Mr. SHIENTAG: You will not be affected by any of these provisions.

Mr. COOK: Excepting the case of building fireproof partitions around the stairway.

Mr. SHIENTAG: Of course you are interested as much in the matter of human life, as the protection of property, is not that a fact?

Mr. Cook: Yes.

Mr. SHIENTAG: The insurance companies, the fire insurance companies, they are not interested so much in the protection of life as they are in the serving of property?

Mr. Cook: Yes, but so far as that is concerned we feel that we are more interested in the lives of our employees than anybody else can be, and if we are satisfied from expert opinion that we are doing reasonably well along these lines, we ought not be required to go further.

The CHAIRMAN: You see, you may be right about that in your individual case, and your opinion may be very good, but what is the State going to do? Simply leave it to each individual to determine whether or not his factory is a proper place for employees to work in from the standpoint of safety?

Mr. Cook: Absolutely no.

The CHAIRMAN: You say if you are satisfied that it is all right the government ought not to have anything to say about what is done. In your particular case that may be all right.

Mr. Cook: That is not my attitude. But not to go too far, do not make us do things that are unnecessary.

The CHAIRMAN: We do not want to. We are as interested in maintaining the supremacy of our manufactories and commerce in this State as you are. At the same time it seems to me that sometimes when we are running after the profits we lose sight of other things. We have got to protect the working people. Our investigations in a majority of factories have shown excellent conditions, that the manufacturers are interested in their employees, and they welcome our suggestions, and a great many improvements have been made without any laws as the result of our investigation, by calling the manufacturer's attention to what

he ought to do, but on the other hand in many factories we found absolute indifference.

Mr. COOK: I do not think there is a manufacturer here but who appreciates what you are trying to do, and has come here in an effort to help you do what you are going to do right.

The CHAIRMAN: I must say we have received co-operation in most every place.

Mr. COOK: I think it is unfortunate that we have not made a more specific study of the proposed legislation. I had in mind that you would take up the various bills and go down through them and ask for opinions as each one was taken up, but I see that that would take a very long time, and is perhaps impossible.

The CHAIRMAN: As a matter of fact, Mr. Cook, this is an innovation, a departure on the part of our Commission. Before our report is prepared, and before our legislation is submitted to the Legislature we have come before all the manufacturing and other interests throughout the State and asked their views so that they may have an opportunity to be heard before the Legislature meets. The hearings there of course, are very often short, because of the shortness of the time, and also because of lack of information, and unfortunately unjust legislation sometimes has passed.

Mr. COOK: I think the manufacturers appreciate it, and we are only sorry that we cannot help you more.

Mr. SHIENTAG: We would be very glad to have you go over the bills carefully and submit a memorandum to us within the next week.

Mr. COOK: I think I am familiar enough with these bills, and there is nothing in these bills to call attention to other than what I have pointed out.

The CHAIRMAN: After all, your protest has not been serious. In the main you approve of it, and it is along progressive lines — I mean progressive in the general sense, not in the political sense.

Mr. COOK: Yes.

Mr. STEWART CHAPLIN stated that he would like to be heard by the Commission.

Mr. SHIENTAG: We would be very glad to have your views concerning these bills.

Mr. CHAPLIN: I represent the Solvay Process Company. Our company, so far as we have been able to examine certain bills, approves of the changes in general as presented in the bills. There are some particular or rather minor matters relating to engineering and technical questions which might better be spoken of by Mr. Trump, the general manager and chief engineer of our company, but in a general way we approve of them. In particular I think the provision for an advisory board is admirable. It has occurred to me that possibly some difficulty might arise in that connection out of the phrasology of the bill as prepared on that subject. It might perhaps be open to the criticism that it is attempting to grant legislative functions to the board, as, for example, in attempting to give the advisory board authority to interpret the meaning of the act in the sense of explaining or deciding what is the meaning of the Legislature in making given provisions. To avoid that difficulty I am inclined to think that it might be a practicable method to make the bill as general as possible in its provisions, as suggested here today in some particulars, and specifically providing that the Commission shall decide what is necessary in order to carry out the general requirements of the bill.

Mr. SHIENTAG: You do not think there ought to be certain minimum requirements?

Mr. CHAPLIN: Yes. I think an illustration may be found in the act relating to the Interstate Commerce Commission and the Public Service Commission. Consider the very broad field that they cover and the multitude of details that they deal with, and yet the bills are very brief, and quite general in their terms, and it has been necessary for the commissions under the general terms of the power conferred on them, by the acts to work out the details of the rules and regulations, the requirements in a satisfactory way.

The CHAIRMAN: It is not going to be a commission.

Mr. CHAPLIN: I understand that. I am just taking that by way of analogy. But there is, it seems to me, difficulty in trying to give power to such a board as that.

The CHAIRMAN: Of course we have got to consider that we can only correct our errors from experience, and that has been so in the case of the Public Service Commission, every year there have been some new amendments.

Mr. CHAPLIN: I believe the general idea of having such a board, the idea also of increasing the number of inspectors is good.

Mr. SHIENTAG: What do you think of the idea of having a division of industrial hygiene made up of experts in the Department of Labor?

Mr. CHAPLIN: I think that is needed too. In general it is my idea that the matter has advanced to the point where a great deal more stress ought to be laid on the work of attending to the carrying out of the purpose of the Labor Law, and that that organization ought to be very much strengthened and the force ought to be greatly increased, and the powers of the advisory board should be larger. Everything that properly belongs in that field ought to be put there so that every particular part of the work of the State, in that Department should be very efficiently carried out.

Mr. SHIENTAG: Have you any specific instances of this duplication of authority?

Mr. CHAPLIN: No, but I thought there were some suggestions made as to it by one or two. There might be something in connection with the Board of Health and the State Health Department where it could be conveniently taken over.

Mr. SHIENTAG: What do you think ought to be the salary of the Commissioner of Labor?

Mr. CHAPLIN: I do not know that I have any specific suggestion to make on that subject.

Mr. SHIENTAG: Anything more, Mr. Chaplin?

Mr. CHAPLIN: No, I have nothing further to say than that.

The CHAIRMAN: I take it that you approve of this method of securing the opinions of all interested in this legislation?

Mr. CHAPLIN: I do, I think it is a very good plan indeed.

Mr. EDWARD N. TRUMP then stated that he desired to be heard by the Commission.

Examination by Mr. SHIENTAG:

Q. You are connected with what company? A. The Solvay Process Company, general manager and chief engineer.

Q. You have seen the proposed bills? A. Yes, sir.

Q. I would be very glad to have your views as to any of them that you are interested in?

Mr. TRUMP: Well, in general I would say from what time I have been able to give to a study of them that they appear to be excellent. We, as a company, welcome anything which will help us in carrying out arrangements for the better prevention of accidents or for sanitary measures for our employees. It strikes me that the definition of a factory is very sweeping, and that our work is so different than what might be done in an ordinary factory that it would be pretty difficult to compare us with places where there are a very large number of employees in making hand-work. We use much machinery, and we have only a few men to guide that machinery. There are some of those provisions, especially in the matter of stairways and the protection of stairways that would perhaps not apply to our buildings, which are entirely fire-proof, and we have no inflammable material inside, and there is very little danger of the employees being caught in case of fire. It would be almost impossible to have any fire.

There is one provision I notice prohibiting smoking in factories. Now, there are a great many establishments which might be called factories, like metal works, and like our factory, which is entirely fireproof, in which that prohibition might be a hardship. I am not a smoker myself, and I do not object to it, but I think it would be very difficult to enforce it in a great many cases, unless there was really some fire hazard.

Mr. SHIENTAG: Well, the building may be fireproof, but the contents of a building in a great many cases are not fireproof, so it is necessary to take that precaution.

Mr. TRUMP: You better come and look at ours.

The CHAIRMAN: That would be very difficult to do by law, to make an exception in the case of certain classes of buildings.

Mr. TRUMP: That should be put in such a way that the Commission would have the right to modify that requirement in certain cases.

The CHAIRMAN: Would there be any great hardship in preventing the men from smoking?

Mr. TRUMP: I think you would find it difficult of enforcement.

Mr. SHIENTAG: Do you regulate it in your factory?

Mr. TRUMP: No.

Mr. SHIENTAG: The men smoke?

Mr. TRUMP: Yes.

Mr. SHIENTAG: In violation of the law?

Mr. TRUMP: Well —

Commissioner JACKSON: The materials used in your processes are not inflammable?

Mr. TRUMP: Not at all, and the machinery is not, and there are almost no wooden floors in the most of our factory, so that the construction rather prevents fires.

Mr. SHIENTAG: Would you be affected by the bill requiring fireproof enclosures of stairways?

Mr. TRUMP: Well, it would depend upon the number of employees. I think it is limited to fifty.

Mr. SHIENTAG: Of course, if you had a fireproof building, that would not apply. If you had a fireproof building the stairway would be enclosed.

Mr. TRUMP: Not if it was a fireproof building, you would not need an enclosed stairway, because the stairway could not burn.

Mr. SHIENTAG: In your particular case.

Mr. TRUMP: In our particular case we have openings all through the middle of the building anyhow. The stairways of course make no difference. You see there is a case in which if you had to go ahead and enclose those stairways — it would be ridiculous to do so.

Q. How high is that building? A. One hundred and sixty-five feet.

Q. How many people do you employ in it? A. About three or four.

Q. I do not think you would come within this proposed bill? A. We probably would not. Of course we might employ more in other cases.

Q. Are there any other bills that you would like to take up? A. No. After going over them carefully the only thing that struck me was the definition of the word factory, which made it so that it would apply to almost everything.

Q. That is the present law. We have tried to modify it a little. You think we ought to go further with the modification? A. Yes.

Q. You are an engineer, Mr. Trump? A. Yes.

Q. And you approve in a general way of the requirements of these bills from a technical standpoint? A. Yes. I could not see anything in going over them that was particularly difficult, especially if there is some discretion given to the Commission in particular cases.

Q. There is nothing there that would work hardship on the manufacturers? A. Not from my point of view.

The CHAIRMAN: Do you like the idea of an advisory board?

Mr. TRUMP: Yes, I certainly do. We rather like independent inspection. We are now having a special accident inspection made through our factory here as at Detroit, putting in a man who is familiar with all kinds of accident work, and he goes through and makes recommendations to us. We find that a man

who is constantly in touch with the factory does not see things that an outside man does. He gets so familiar with them that he passes them by, every day without any thought of danger, and we find by having this special inspection at regular intervals that it is an improvement in the safeguarding of the work. It is difficult enough any way. Accidents always come in the most unexpected places. There are never two alike. In the record of the accidents that we have had, I think you will hardly find two that are exactly alike. We guard the place after the accident, we guard that particular place, and the next time it comes at some other place. A man may fall five or six feet and be killed, just as easily as if he fell fifty.

MR. SHIENTAG: What do you think of the requirement as to the guarding of belting, Mr. Trump?

MR. TRUMP: I think that the ordinary small belt on a lathe, where we use cone pulleys is something that it is very difficult to guard and the provision that they shall be guarded by means of a wire cage, that is almost impossible for the ordinary cone or lathe.

MR. SHIENTAG: How can it be guarded?

MR. TRUMP: That is really a very difficult matter. Of course you can enclose the whole thing in a box, but you see the point is that the only time when you come in contact with the belt is when you want to shift it and then you must open the box in order to shift it. There are very few accidents caused by the shifting of a small belt, but when you take large belts, you are apt to have trouble, and I think stationary belts should certainly be guarded; I mean belts that rest in stationary, fixed positions. But a belt as a usual thing does not give trouble unless it breaks. Then those guards may produce the result of injuring somebody by their being caught with the belt, and torn loose, so that I think only by a very careful study on the part of the expert of the Commission — I think a method can gradually be arrived at.

MR. SHIENTAG: You think that should be the subject of special rules and regulations?

Mr. TRUMP: Yes, special rules and regulations by a commission of experts is the only way to do that.

Mr. SHIENTAG: By the advisory board's experts?

Mr. TRUMP: Yes. A great many devices have been proposed and almost all of them have been thrown out in a short time because they were faulty.

Mr. SHIENTAG: Do you think there ought to be a museum of safety in connection with the State Labor Department?

Mr. TRUMP: I think the museums of safety in use in Germany are a very great help. I know they have several exhibits there every year.

Mr. SHIENTAG: Thank you very much, Mr. Trump.

Mr. EDWARD L. FRENCH then stated that he would like to be heard by the Commission.

Mr. SHIENTAG: What company do you represent?

Mr. FRENCH: The Crucible Steel Company.

Mr. SHIENTAG: How many employees have you?

Mr. FRENCH: About eight hundred.

Mr. SHIENTAG: All men?

Mr. FRENCH: Yes.

Mr. SHIENTAG: We would be very glad to hear you on any of these proposed bills.

Mr. FRENCH: I have not had an opportunity to look over any of the bills, but there is a point in connection with the first one with regard to the prevention of fire that seems to me in our line of business particularly unnecessary. That is, in a steel mill, a modern steel mill, where the walls, roofs and floors are all steel or earth or concrete, and where the material that is turned out is absolutely indestructible. In fact, the material in going through the mill is around on the floor in a red hot condition. There are furnaces around in every direction all throwing out fire. In

fact, our buildings are erected with the idea of being absolutely indestructible by fire. There are a great many workmen who have been in the habit of smoking and who think they cannot work without smoking, and we think that that law is unnecessary as far as preventing fire in steel mills is concerned.

The CHAIRMAN: Of course, that is now the law, you know.

Mr. FRENCH: Yes, I know it is, but this is an amendment to the present law. That is the only point I care to mention.

Mr. SHIENTAG: Would you be affected by any of the other bills?

Mr. FRENCH: I have not studied them thoroughly, but I think not.

Mr. SHIENTAG: Do you approve of the bills in the main?

Mr. FRENCH: Yes.

The CHAIRMAN: Are you affected by anything there, that is not perfectly proper in the bills, outside of the thing that you have just mentioned?

Mr. FRENCH: I think the idea of protecting a plant against fire, of course, is absolutely necessary.

The CHAIRMAN: And against loss of life equally?

Mr. FRENCH: Yes, but I think there should be an exception in the case of buildings that are absolutely fireproof, which are not connected with any other building. The men should be allowed to smoke.

The CHAIRMAN: All right; I thank you very much.

Mr. CARLTON A. CHASE then stated that he would like to be heard by the Commission.

Mr. SHIENTAG: Whom do you represent?

Mr. CHASE: The Syracuse Chilled Plow Company.

Mr. SHIENTAG: How many employees have you?

Mr. CHASE: Between five and six hundred.

Mr. SHIENTAG: Men and women?

Mr. CHASE: No women except in the office.

Mr. SHIENTAG: What business are you engaged in?

Mr. CHASE: The manufacture of agricultural instruments.

Mr. SHIENTAG: We would be glad to hear you on these proposed bills.

Mr. CHASE: I appear before you gentlemen representing one of those old plants that Mr. Stillwell did not want to mention by name. Our plant has been in its present position there thirty-five years and has grown up from what was there originally, and consequently we have not the conditions that would exist in a recently built plant. In looking over these bills it seems to us that they are inclined to go a little bit too much into detail and there is not enough of flexibility to meet the conditions in some of the plants. There are a large number of the factories that would find it difficult to comply with all of the conditions, and in some it would be practically impossible.

The CHAIRMAN: You think that those matters should preferably be left to the advisory board, such as is proposed in another bill, the discretionary power?

Mr. CHASE: I am going to touch on that in just a moment. I was going to make a general statement and then take up the different matters specifically. Although there are conditions in some congested districts that make it advisable that radical changes be made, still we do not think, it does not seem to us as if all of those rules and regulations should be applied to all factories within the State.

The CHAIRMAN: I do not see how the congestion of the locality has anything to do as to whether or not the building should be protected against fire.

Mr. CHASE: If you only have a few men, and you have a limited number of exits and the facilities for protecting it from fire, all those things have a bearing.

The CHAIRMAN: You mean a great number of people working in any particular factory?

Mr. CHASE: A small number compared with the area. It seems to us that there should be a discretionary power so that some of the factories would be exempted from the rigid rule. Now, this advisory board, as I understand it, is supposed to have certain powers to make rules and regulations, but when a bill is passed and becomes law I do not understand that they can change that. If there are conditions in these laws that work unnecessary hardship they would have no right to exempt a factory from those.

The CHAIRMAN: Would it be your plan, instead of putting some of the things in, which are now specified, to eliminate them from the proposed bill and create an advisory board, and then fix by law just the minimum standard requirements?

Mr. CHASE: If you are willing to put the minimum low enough. I fear that you would not want to make the minimum so low as that. In other words, there is likelihood that you will get it so high that you will not give the advisory board power to take care of some of the existing conditions.

The CHAIRMAN: Why do you fear that?

Mr. CHASE: The natural tendency in framing a law is to make it appear and make it accomplish a purpose. Just as I say about these bills, it seems to me that you have gone rather far in applying them to existing plants.

The CHAIRMAN: I do not think the Commission will include all of these proposals in the specific law. A good many have been brought up for the purpose of bringing out discussion. That is why we are glad to hear you.

Mr. SHIENTAG: What are these provisions that would work unnecessary hardship in the case of existing buildings?

Mr. CHASE: Take a plant like our own, which is spread over three and one-half blocks, about one-half of it being used for storage only, and the entire plant, every part, is thoroughly protected by a sprinkler system.

Mr. SHIENTAG: How high are the buildings?

Mr. CHASE: One building is six stories. Most of them are three and four stories. It seems to us it would be a hardship to make us comply with all these conditions.

Mr. SHIENTAG: For instance take up the conditions. Perhaps you would not be affected in any way by them, but what conditions have you in mind?

Mr. CHASE: For instance, your definition of a factory, as I understand it, covers a manufacturing establishment. If I understand that correctly it applies to every building within the establishment, no matter whether it is used at all.

Mr. SHIENTAG: You will find that a great many of these provisions with reference to fire hazard relate to factory buildings, and if no manufacturing is carried on in a building, that particular building would not be subject to these requirements.

Mr. CHASE: I do not find it that way, as I understand the law. In one of your bills you define what a factory is, and you make it a manufacturing establishment.

Mr. SHIENTAG: We intend to add to that the definition of a factory building and that would cover the case you mean.

Mr. CHASE: That is the very point that I want to bring out. Warehouses would not be covered then.

Mr. SHIENTAG: Warehouses would not be covered.

Mr. CHASE: Simply a building used for manufacturing?

Mr. SHIENTAG: Yes, so far as the requirements for fire hazard are concerned, enclosing stairways, fire alarm signal systems and so forth. That only applies to the factory buildings.

Mr. CHASE: By that you mean manufacturing buildings?

Mr. SHIENTAG: Yes, sir.

Mr. CHASE: That is one of the points I particularly wanted to bring out, and then I had in mind that the Department of Labor in some form should have discretionary power where they could make exemption where the conditions were such that they

did not think that these rigid rules need be complied with. It seems to me that there should be some such a provision, even though you have an advisory board to fix new regulations and so forth.

Mr. SHIENTAG: That is a pretty broad power to give to a department, is it not?

Mr. CHASE: You do not figure that you desire to work unnecessary hardship on the factory, the manufacturer. Where it might be all right to establish rules and regulations for new buildings which could be easily complied with, to make those same rules apply to the old factory buildings would work a hardship.

Mr. SHIENTAG: The advisory board has power to distinguish between old and future factories.

Mr. CHASE: As I understand it, when a thing is put in the law they will have no right to change it. Consequently, if the law is too rigid to start with, then the advisory board cannot give us any help.

The CHAIRMAN: You are right on that.

Mr. CHASE: In touching on the individual bills, I would like to ask the question whether you intend to prohibit smoking in foundries, shops?

Mr. SHIENTAG: The present law does prohibit it in a shop at any time during working hours.

Mr. CHASE: It would be a hardship in some factories if the men were not allowed to smoke in rooms where there was no danger.

The CHAIRMAN: You mean in a smoking room?

Mr. CHASE: No, referring to our own particular plant, the forge shop, or as in the case of Mr. French, in the steel mill.

The CHAIRMAN: Are you insured by any of the mutual fire insurance companies?

Mr. CHASE: Yes, sir.

The CHAIRMAN: Do they allow smoking?

Mr. CHASE: I think they do in those rooms.

The CHAIRMAN: What particular rooms?

Mr. CHASE: Rooms like a forge, a shop, a foundry, a steel mill, where there is fire all the time, and the question of a cigar or a pipe would not increase the hazard at all. In bill No. 2 we feel that the mechanism necessary to supply such a fire alarm signal as proposed is pretty complicated and expensive and unnecessary. There should be some way of notifying the men of when there is a fire, but as I read the bill it calls for a mechanism that can be started at any point and that will notify every place in the building at what point the fire started from. Am I right? Is not that the bill at the present time?

Commissioner JACKSON: It must indicate what portion of the building the fire first started in.

The CHAIRMAN: Yes. I think it means what floor the fire started from. Do not you think that is important for everybody to know?

Mr. CHASE: It seems to be a big proposition, if you have got to have one for each building of the plant, a different fire alarm system of signals for each building?

Mr. SHIENTAG: It would be more expensive.

Mr. CHASE: It surely would.

The CHAIRMAN: There is no requirement that you should have the same one for all different buildings. Each building is separate in itself, as far as the signals are concerned.

Mr. CHASE: As I understand it, you have got to have a signal that works back and forth, it starts a signal in one place and indicates that all through the building, and so on through. It seems to me that is unnecessary, that is an unnecessarily complicated mechanical device. For instance, take a plant like our own, by means of whistles we can reach every department there. We have three separate plants right together there in three blocks, and you can distinguish in that way very quickly where the fire is, that is as to which building, but as to which particular floor of the building —

The CHAIRMAN: Could not that be done by a system of whistles? We intend to change that from "gongs" to "signals."

Mr. CHASE: I think if we could have a whistle signal it would be better.

The CHAIRMAN: You mean you object to the use of the word "gong?"

Mr. CHASE: The way you propose to have the signals indicate the floors and so forth.

The CHAIRMAN: You can provide that yourself by means of a whistle?

Mr. CHASE: But it has got to be where any operator can get at it.

The CHAIRMAN: Well, should not that be? Should not the fire be announced just as soon as it is discovered?

Mr. CHASE: It should be announced. You can get word to where the whistles are, you could have signals to the engine room. You could have from certain parts of the plant a signal wire running to the engine room.

The CHAIRMAN: Could not you use a method, a signal, one bell for the first floor, two bells for the second floor and three bells for the third floor and so on?

Mr. CHASE: Yes.

The CHAIRMAN: That would cover your case?

Mr. CHASE: As I understand it, it must indicate on the third floor that the fire started on the first floor?

Commissioner JACKSON: Do not you think the occupants of the third floor should be notified of a fire on the first floor?

Mr. CHASE: Not necessarily that it was on the first floor. If they were notified that there was a fire in the building that should be notice to them to look out for themselves. What object is there in knowing that it is on the first floor?

Commissioner JACKSON: Would not that give them a better opportunity to get out if they knew of the floor on which the fire started?

Mr. CHASE: I do not see how it would.

Mr. SHIENTAG: Suppose a fire started on the third floor, and these people were on the second floor, ordinarily people on the second floor would not have to worry much about that fire?

Mr. CHASE: It might relieve their state of mind, though I do not think that important.

Mr. SHIENTAG: But for the people on the fourth floor it certainly would be important for them to know that there was a fire taking place underneath them?

Mr. CHASE: If it was on the fourth floor they would be pretty sure to know it.

The CHAIRMAN: Don't you think it important to have some system of signals?

Mr. CHASE: Yes, but I think you have gone into it too minutely here to indicate what the signals are to be.

Commissioner JACKSON: Do all factories have whistles?

Mr. CHASE: I do not know that all do. If they do not have whistles they can have gongs that do the same thing.

The CHAIRMAN: We are not interested in gongs particularly. We are interested in some sort of signal that will answer the purpose.

Mr. CHASE: Yes.

Mr. SHIENTAG: You think it would be sufficient to notify the occupants of a building that a fire has occurred in the building?

Mr. CHASE: Yes, I think so.

The CHAIRMAN: By a method that will inform all in the building. I suppose your whistle is loud enough for everybody in the building to hear?

Mr. CHASE: Yes, and we have them over in the other plants too. It seems to me the fire drills are rather frequent and additional ones are required by the fire department.

Mr. SHIENTAG: There would not be very much danger about the additional ones if we have one once a month.

Mr. CHASE: I do not know about that. I understand the idea of the fire drill is not to take the time of the men to have the drill. In other words, not to ask them to lose the time. You cannot have it just before the noon hour because they have got to go back to get their coats again. The result is they are going to lose more or less time in the fire drills. It does not seem necessary to have them every month.

Mr. SHIENTAG: How often do you think they ought to have them?

Mr. CHASE: I think once in three months is ample enough.

The CHAIRMAN: You think it important to have a fire drill?

Mr. CHASE: In some plants more than others. It depends on the plant. I must say I do not think it important in a plant like ours where it is spread over three blocks, with a great number of exits, and so forth.

The CHAIRMAN: Of course in law you cannot provide for each separately?

Mr. CHASE: I appreciate that. As to Bill No. 4, the remarks I first made apply pretty generally to that bill. Fire partitions around stairways. We have some fifteen stairways, and to make a firewall around every one of those stairways from the ground floor to the roof is quite a proposition, and we are thoroughly protected with automatic sprinklers so that there is not much chance of a fire getting started.

Mr. SHIENTAG: Are those fifteen unenclosed stairways in factory buildings?

Mr. CHASE: No.

Mr. SHIENTAG: How many would be in the factory buildings?

Mr. CHASE: Well, half of them anyway.

The CHAIRMAN: You think that matter should be left to the advisory board to determine whether or not stairways of such a dangerous character ought to be enclosed?

Mr. CHASE: Whether they are of dangerous character, or whether there are enough stairways so that it is not necessary to enclose them in a fireproof partition.

The CHAIRMAN: Wooden stairs do not last long when a fire once gets started?

Mr. CHASE: No. Of course if you have only got one stairway in a six-story building, but where you have got five or six exits to one building that is different.

Mr. SHIENTAG: Take your case, for instance, a six-story building; how many stairways?

Mr. CHASE: Two stairways from top to bottom.

Mr. SHIENTAG: On the ends?

Mr. CHASE: At opposite ends, and for three stories there are exits into other buildings.

Mr. SHIENTAG: How far is one stairway from the other?

Mr. CHASE: How far?

Mr. SHIENTAG: Yes, how far apart are they?

Mr. CHASE: Two hundred feet, I guess.

Mr. SHIENTAG: Have you got a fire wall in the building?

Mr. CHASE: Not in that building, no. The provisions of that bill go very specifically into fire doors and so forth in connection with doors and stairways. Another thing, the outside doors must be unlocked during working hours. Now, I do not believe it is intended to establish any such rule as that, that every door in a factory has to be unlocked during working hours.

The CHAIRMAN: If you can open it from the inside that would be sufficient?

Mr. CHASE: I understand it so.

Mr. SHIENTAG: That is a change.

The CHAIRMAN: You think it is necessary to keep them so that they can be opened readily from the inside?

Mr. CHASE: Yes, as a general proposition, that is right.

The CHAIRMAN: But you cannot keep them locked so that you would have to look for a key to open the door in case of fire?

Mr. CHASE: Yes — whether that should apply to every door.

The CHAIRMAN: I think it ought to be applied to every door used as an exit.

Mr. CHASE: Take a large plant, it usually has a number of doors that are actually not in use.

The CHAIRMAN: You have a sort of an exceptional plant?

Mr. CHASE: Yes; we are not the only ones in that condition.

Commissioner JACKSON: Unlocked is sufficient.

Mr. CHASE: That provision as to obstruction to windows works a hardship if it will not allow us to have a wire mesh. Our plant is right on the street and we do not want to leave our windows entirely open. They extend for several blocks and we feel that it would be a hardship not to have wire mesh over those windows. The new law, as it is proposed is that if you have a screen of any kind it has got to be open during working hours.

Mr. SHIENTAG: It does not mean that you have to have the screen wide open; it means to arrange the screen so that by pushing it from the inside you can open the screen.

Mr. CHASE: It does not read that way.

Mr. SHIENTAG: Irrespective of that language. That is merely a tentative bill.

Mr. CHASE: It says they shall be removed or left open during working hours.

Mr. JACKSON: That is the suggestion as it has come to us. The intention is to allow an easy means of egress by pushing the screen out from the inside in case of fire. We have that marked for attention.

Mr. CHASE: I would like to see that law changed so as to allow wire mesh on the sash.

Mr. SHIENTAG: There is some way of arranging the wire mesh so that it could be opened from the inside. You can arrange it so that you can open it from the inside?

Mr. CHASE: You probably could have some sort of a mechanism.

That bill also applies to covering steps and landings of the stairways.

Mr. SHIENTAG: That has been modified. Our attention has been called to that.

Mr. CHASE: Bill No. 5 goes pretty specifically into a number of things that I will not attempt to take up, but I would like to have the Commissioner of Labor, or his department, have some power there.

Mr. SHIENTAG: You would not be affected by Bill No. 5?

Mr. CHASE: We might be very seriously affected.

Mr. SHIENTAG: For instance, in what way?

Mr. CHASE: I cannot attempt to discuss that because I have not gone into the details.

Mr. SHIENTAG: The principle of this bill limits the number of occupants in factory buildings in accordance with the exits provided. I think if you apply this to your building, you will see that you are not affected.

Mr. CHASE: I have not attempted to apply it.

The CHAIRMAN: I am sure by the number of employees you have that you would be in no way affected.

Mr. CHASE: That may be so.

The CHAIRMAN: You can be sure about that.

Mr. CHASE: On the question of Bills Nos. 6 and 8, organizing and reorganizing the Department of Labor, I shall repeat what I said here — there is a question whether it does not go into quite

an expense for the State. I do not care what is paid to the Commissioner of Labor, but it is a question whether, taking the number of people in the Department and the salaries they are to be paid, whether that does not make a pretty expensive organization for the State.

THE CHAIRMAN: You mean the numbers increased?

MR. CHASE: The whole expense of the Department. I am not referring particularly to the Commissioner of Labor. The question of what you pay any one man as salary is not so important as what you pay everybody as salary.

MR. SHIENTAG: There is an organized Department of Labor now. We are simply increasing it to some extent.

MR. CHASE: Yes, but there is a question whether it does not go too far.

MR. SHIENTAG: What have you in mind?

MR. CHASE: Only the number of people that are in it and the salaries that may be required. I cannot give a technical opinion on it.

MR. SHIENTAG: Do you believe in a section of medical inspection, and a medical inspector under the Department of Labor?

MR. CHASE: You mean as indicated in this bill?

MR. SHIENTAG: Yes.

MR. CHASE: I have not attempted to go into that.

Commissioner JACKSON: Of course the object of this bill is to cover the best suggestion and advice we have had as to the number of men necessary to keep up the inspection.

MR. CHASE: I simply want to caution you about getting it too large.

Commissioner JACKSON: We will be careful about that. We have not got any too much money to spend.

MR. CHASE: Bill No. 9: that I understand you will take care of. Bill No. 17. That will be touched on more fully by some others

here who are interested in foundries like ourselves. Foundries are about 40 per cent. of our entire proposition, but I do not think special foundry bills should be passed. Bills affecting factories as a whole ought to cover the ground. The question of ventilation has already been taken care of by paragraph 86 of the Labor Law.

The CHAIRMAN: Are not the foundries a little different from other factories?

Mr. CHASE: Different from some factories, but factories are graded; there are other factories probably similar to them. I do not think the industry should be picked out and special bills passed for it. The Commissioner of Labor has full power as to ventilation. That provision for a separate room for the mills is a very unnecessary one, and it might be a considerable hardship, particularly in the case of some existing plants.

Mr. SHIENTAG: Is there any other provision where you think a foundry is singled out? You know there are special provisions for bakeries and there are special provisions for a great many different establishments.

Mr. CHASE: I do not understand that there is any reason for passing a special ventilation law for foundries. The general laws on ventilation cover that.

Mr. SHIENTAG: This question of cleaning castings in rooms in which moulders work.

Mr. CHASE: That is, any castings?

Mr. SHIENTAG: All kinds of castings.

Mr. CHASE: I understand that only occurs in the case of heavy castings, and I understand it is a pretty difficult thing to handle castings like that without first cleaning them in the foundry. That is a proposition I am not entirely familiar with.

The CHAIRMAN: We devoted an entire day to it in Albany.

Mr. CHASE: Our attorney was down there. You take in the case of small castings where we have mills which are properly built to take off the dust, there is no reason why some of the work

cannot be done in the same room. It is just as clean to do it there as any other part of the factory, and it does not seem right that such a clause should be included in the law.

Mr. SHIENTAG: Do you employ women in your core room?

Mr. CHASE: No.

Mr. SHIENTAG: Do you think women ought to be employed in the core rooms of a foundry?

Mr. CHASE: I certainly do.

Mr. SHIENTAG: Why?

Mr. CHASE: Because it gives them an opportunity to work, and it does no harm.

Mr. SHIENTAG: Are you familiar with the conditions under which they work in the core rooms?

Mr. CHASE: In a general way; not specifically; we do not have them, but I know of lots of foundries where they use women. Women are glad to secure that work.

Commissioner JACKSON: You do not mean or intend to say that just because there are some women who are glad to work that they should be worked in a core room?

Mr. CHASE: No; but they should not be prevented from working in a core room.

Commissioner JACKSON: You just gave as a reason why the women should work there, because they needed the work.

Mr. CHASE: What I mean is, if they want that work and are satisfied with it, I take it there is no reason why they should not be allowed to take it.

Commissioner JACKSON: If the occupation was detrimental to their health?

Mr. CHASE: I do not think it is.

Commissioner JACKSON: I say if it is.

Mr. CHASE: That is another proposition.

Commissioner JACKSON: Your opinion is that it is not detrimental?

Mr. CHASE: It is my opinion that it is not. We have no women in our foundry because we do not make many cores. We do not have enough core work so that it would pay to take the bother of bringing women into our foundry. If we did a lot of core work undoubtedly we would be interested in that proposition, but we are not interested because we do not want three or four girls among four or five hundred men.

Commissioner JACKSON: Do you not think that the wages enters into that proposition?

Mr. CHASE: I cannot speak as to the wages, because I do not know.

Commissioner JACKSON: We found that the wages were somewhat lower than they paid men, the men making a somewhat larger size of core.

Mr. CHASE: I cannot say as to that. I cannot tell you about the wages.

The last bills, Nos. 24 and 25, I have not had a chance to study much. I did not get them until this morning.

Commissioner JACKSON: I understood you were going to speak on Bill No. 24.

Mr. CHASE: That is just what I was looking for. Section 2, bottom of page 3 — does that mean that it relates only to factories that existed at the time the act takes effect?

Mr. SHIENTAG: It simply means that these apply to existing elevators. In the case of elevators hereafter constructed the Commission will make another recommendation which we have not worked out yet, but will submit when it is ready. It simply means that this bill is to apply to existing elevators.

Mr. CHASE: Well, I think in a general way that covers the points that occur to me in looking the bills over. There are three or four points there I would like to have —

Mr. SHIENTAG: You approve of the advisory board and think it ought to be given power under the proposed law?

Mr. CHASE: No, my point is that these bills, the individual bills, should give discretionary power to somebody, the chief of the advisory board or the Department of Labor, because if you put it in the bill without qualification, then the advisory board cannot make exemptions.

Mr. SHIENTAG: All right. Thank you very much.

The CHAIRMAN: Thank you very much, Mr. Chase. You have helped us very much. The Commission will take a recess until two o'clock and all the ladies and gentlemen who desire to be heard please return at that hour.

AFTER RECESS.

COMMON COUNCIL CHAMBER, 2 O'CLOCK P. M.

December 11, 1912.

The Commission reconvened after noon recess at 2 p. m.

Mr. CLARE K. LIGHT then stated that he would like to be heard by the Commission.

Mr. SHIENTAG: Whom do you represent?

Mr. LIGHT: I represent the Diamond Match Company.

Mr. SHIENTAG: How many people do you employ?

Mr. LIGHT: Six hundred.

Mr. SHIENTAG: How many women?

Mr. LIGHT: Two hundred and fifty.

Mr. SHIENTAG: Any children between the ages of fourteen and sixteen?

Mr. LIGHT: Approximately fifteen.

Mr. SHIENTAG: Have you gone over the proposed bills?

Mr. LIGHT: I have.

Mr. SHIENTAG: We would be glad to hear you on any of these bills?

Mr. LIGHT: I had not intended to make any comments on any of them. They all seem to be to the point, and your request about speaking about that ventilating proposition —

The CHAIRMAN: There was some objection from your company to the ventilation bill introduced last year, and I assume you will go into that; I think you ought to explain that.

Mr. LIGHT: I will be very glad to. The bill that was proposed last year provided that where impurities—or if I remember rightly, dust and impurities and fumes were generated, that they should be taken away at the point where they are generated. Matches, with the most modern machinery, are made on an endless chain, where there is a chain on a machine making these revolutions. The matches are cut and dipped, and after they are dipped passing along the endless chain, and the machine is approximately 65 feet long by 20 feet high. At all times with the white phosphorus matches it is giving off a small percentage of fumes during the drying process. We aim to take care of these fumes by forcing air into the building and drawing air out of the building, but as to hooding the machine, that would be physically impossible.

The CHAIRMAN: You mean it is too large?

Mr. LIGHT: Yes, it is too light, and there is a series of wheels. These chains pass over a series of wheels, and it would have been physically impossible to hood the machine, and those fumes are being generated to a certain extent while the matches are on the machine.

The CHAIRMAN: You now say you are taking that off altogether?

Mr. LIGHT: By forcing air into the building by a series of large fans we reduce the fumes in the air to a minimum.

Commissioner JACKSON: You are speaking now of the bill of last year?

Mr. LIGHT: Yes, speaking of the bill of last year.

The CHAIRMAN: We have a bill here; suppose you sit down and look at it and we will hear you a little later on. We will hear somebody else in the meantime.

(Mr. Light retired to look over the bill in question.)

Mr. CHARLES A. YATES then stated that he would like to be heard by the Commission.

Mr. SHIENTAG: Whom do you represent, Mr. Yates?

Mr. YATES: The Central Trade and Labor Assembly.

Mr. SHIENTAG: For the purpose of the record how many members has that association?

Mr. YATES: Between seven and eight thousand in the city, workingmen.

Mr. SHIENTAG: Workingmen and women?

Mr. YATES: Yes.

Mr. SHIENTAG: Covering how many industries?

Mr. YATES: Approximately fifty.

Mr. SHIENTAG: Have you gone over the proposed bills that the Commission has issued?

Mr. YATES: I have.

Mr. SHIENTAG: We would be very glad to hear you and have you make any recommendations that you deem advisable and care to draw to the attention of the Commission.

Mr. YATES: In a general way I would like to say that I desire to submit a brief on the question. I have a copy here.

Mr. YATES: I am not clear on the point as to the Advisory Board, and I would like to ask, is that Advisory Board with power?

The CHAIRMAN: Well, that is the point. What do you think it ought to be. I might say to you that the Commission has not definitely decided that, one way or the other. Some suggestions have been that it ought to have absolute power, and the Commissioner should be made the Chairman of the Advisory Board, as they say the chairman practically controls, unlike the present Commission. The chairman usually controls, and in that way—

Mr. YATES: There is no definite policy?

The CHAIRMAN: We are going to reach a definite policy, but we want to hear all sides. What is your opinion?

Mr. YATES: My opinion is that the Advisory Board should be similar in nature to the Public Service Commission.

The CHAIRMAN: Do you think the Commissioner ought to be made a member of that Board?

Mr. YATES: Surely.

Mr. SHIENTAG: Probably Chairman of the Board?

Mr. YATES: I would not say as to that.

The CHAIRMAN: I mean in the natural course of events, he being on the ground at all times, and this Board only meeting occasionally, would it not perhaps be advisable to designate the Commissioner as Chairman of the Board?

Mr. YATES: As far as I am personally concerned I would just as soon.

Commissioner JACKSON: This bill as drafted contains very specific powers.

Mr. SHIENTAG: What do you think about the advisability of having this board?

Mr. YATES: I think it would be a very good proposition for the State, for this reason: There are laws now on the statute books, and there are portions of the proposed laws that in certain instances would need amplification and working out in detail where they are not specific now.

Commissioner JACKSON: I was going to say a few moments ago, it does provide for powers. There is a part here in this draft that gives the Commissioner the veto power over the rules adopted by the board. Of course if he is made a member of the board that would have to be changed, to do away with that particular veto power. Whether there would be any necessity for a review of their determination is another matter.

The CHAIRMAN: Mr. Yates is opposed to any veto power, as I understand.

Mr. SHIENTAG: Is there anything further, Mr. Yates?

Mr. YATES: The brief covers the point very well. As to our position in relation to the laws that have been enacted and those that are proposed, there ought to be a recodification of the laws that now exist.

Commissioner JACKSON: I believe that might help.

Mr. YATES: We believe, too, that the laws should be made more specific as to whose duty it is to enforce the laws. The Labor Law as it reads says that if the Commissioner of Labor finds a complaint of a violation well founded he shall submit it to the officer for the Department having charge thereof, and it stops there. There is no penalizing or no mandamus proceeding by a proper court to compel action on the violation.

Commissioner JACKSON: Yes, there is a civil action in a court.

Mr. YATES: Who is to bring it?

Commissioner JACKSON: The district attorney under the complaint of the Commissioner of Labor.

Mr. YATES: We never have been able to secure any enforcement of those violations.

The CHAIRMAN: Have you in mind violations of the Eight-Hour Law upon public contracts, for instance?

Mr. YATES: Yes, I have; also violations of the Fifty-four Hour Law that went into effect this year. There have been vio-

lations in this city. Complaints have been made and they have been investigated, and in each instance the report that we have received has been that the proper notice has been given. Now, if the law means anything, it means that when a violation has been found, there ought to be action of some kind by somebody. On that account it has not as yet been carried into effect.

Mr. SHIENTAG: Of course, now, if there is a violation of the Fifty-four Hour Law he should prosecute, and prosecute immediately. Have not there been any prosecutions for violations of the Fifty-four Hour Law in this city?

Mr. YATES: Yes, I think there have been in minor cases, such as the employment of children.

Mr. SHIENTAG: Conducted through the district attorney?

Mr. YATES: Under the factory inspectors.

Mr. SHIENTAG: Do you think that counsel from the Labor Department ought to be assigned for this work in Syracuse?

Mr. YATES: Assigned for Syracuse?

Mr. SHIENTAG: Yes.

Mr. YATES: I think that there ought to be sufficient power attached to the Department of Labor, either through the Attorney-General's office, or some other way; there ought to be somebody whose duty it would be to enforce the infractions of the law.

Mr. SHIENTAG: You say you have called the attention of the factory inspectors to violations of the Fifty-four Hour Law and you have not had a single prosecution?

Mr. YATES: Not to my knowledge.

Mr. SHIENTAG: Is there anything further, anything with reference to these bills specifically that you would like to tell the Commission?

Mr. YATES: Just one other point. I would like to know whether in any of these bills there is any intent or desire to remove the so-called mercantile establishments, where there is a part of the plant or property given over to manufacturing, whether

there is any attempt to exempt those from the operation of the Factory Law?

The CHAIRMAN: You mean the place where the manufacturing go on?

Mr. YATES: No, for instance, sitting-rooms, and one thing and another.

Commissioner PHILLIPS: Was there any bill there that you thought would affect you in that regard?

Mr. SHIENTAG: Bill No. 8 gives jurisdiction to the Department of Labor over mercantile establishments in cities of the second class.

Commissioner JACKSON: There is no intention such as you speak of. What would be your opinion as to inspecting those places. That is, not to remove any authority of the Department over the portions of the premises in which manufacturing is done, but to create one inspector. That is, to put it entirely in the hands of the mercantile inspector, or the hands of the factory inspector?

Mr. YATES: I believe the authority for inspecting in the State should rest entirely with the Labor Commissioner and not with the health bureau and various other departments in the cities. The responsibility should be vested in the State Labor Commission.

Mr. SHIENTAG: Take the mercantile establishments, for instance; do you think it would be advisable to have the mercantile inspector conduct the entire inspection, applying the Factory Law, so far as the Factory Law was concerned, and the Mercantile Law for the rest of the establishment. In other words, to avoid the necessity of having two different inspections of the same establishment?

Mr. YATES: They both work under the Factory Law.

Mr. SHIENTAG: Both work under the Factory Law?

Mr. YATES: What difference does it make, if they are conducting the investigation?

Mr. SHIENTAG: That is the point. Whether it would not be better to have only one man do the inspecting instead of having two going into the same establishment?

Mr. YATES: One man should make the inspection certainly.

Mr. SHIENTAG: That was only a suggestion made to the Commission about mercantile establishments.

Mr. YATES: I believe the power of investigating complaints of any character in mercantile establishments or factories ought to be vested in the Commissioner of Labor.

Commissioner JACKSON: But don't you see that they have a dual inspection. The Mercantile Inspector goes through and then the Factory Inspector goes through, and both are empowered to enforce the Labor Law. Now, if the Mercantile Inspector could carry on the entire investigation of the premises occupied by both of these industries, would it not be just as well, and leave the Factory Inspector to take care altogether of purely factory premises? It would give him more time to inspect, and a longer time for such duties.

Mr. YATES: You mean a mercantile inspection on the part of the city?

Commissioner JACKSON: No, entirely under the Commissioner of Labor.

Mr. YATES: Yes, I agree with you.

Commissioner JACKSON: I think that would be a very good thing myself.

The CHAIRMAN: Is that all?

Mr. YATES: That is all.

Mr. THOMAS M. GAFFNEY then stated that he would like to be heard by the Commission.

Mr. SHIENTAG: Whom do you represent?

Mr. GAFFNEY: I am not representing anybody particularly. I am a member of organized labor for many years.

Mr. SHIENTAG: Have you seen the proposed bills that the Commission have issued?

Mr. GAFFNEY: I know something about some of them. I do not know very much about all of them.

Mr. SHIENTAG: We would be glad to hear you on any of the ones that you are interested in.

Mr. GAFFNEY: Really I do not feel that I am capable of passing an academic judgment on any of these bills. They all seem to me to be good, and they all seem to be in the right general direction.

The CHAIRMAN: There is not any specific thing that you want to call to the attention of the Commissioners in reference to this proposed legislation?

Mr. GAFFNEY: We have been speaking about that board.

The CHAIRMAN: The Advisory Board?

Mr. GAFFNEY: The Advisory Board. We wondered just how that was going to work out. What the Advisory Board was, what powers the Advisory Board was going to possess.

The CHAIRMAN: They will have rather strong powers to make rules and regulations in reference to the different industries.

Mr. GAFFNEY: We wondered if it was going to shift the responsibility in any way.

The CHAIRMAN: There is the question. There is where the veto question comes up. Some contend that while this Advisory Board is a very good thing, we ought to have it, but we ought to put at the head of the Department the Commissioner of Labor who would have the power to veto these regulations so as to narrow the responsibility down, so that we can always point to some particular individual and say, you are responsible for this. The contention is that if you have an advisory board of five or seven men, you may not be able to pick out the particular individual who would be responsible for anything that might have occurred, or for any neglect in the Department. That is one side of the question. That

is in line with your suggestion as to whether there might be a shifting of responsibility. What is your opinion?

Mr. GAFFNEY: I think the Advisory Board would be a good thing if the responsibility were not shifted. So far as the Commissioner of Labor being a Commissioner or the Chairman of the Board, I believe that is a mighty good thing, but I rather disapprove of the veto power being vested in any one member of that Board.

The CHAIRMAN: You think it would be a good thing to give the Board broad powers, so that the Board itself would be responsible?

Mr. GAFFNEY: The Board itself.

The CHAIRMAN: And perhaps it would be all right to make the Commissioner of Labor Chairman of the Board?

Mr. GAFFNEY: Yes. I think that would be a good thing.

Mr. CLARE K. LIGHT was then recalled.

Mr. LIGHT: There is nothing about this bill as it is drafted now that we have any objection to.

The CHAIRMAN: We are delighted to hear it.

Mr. LIGHT: There is just one thing about the match business. After the first of July, there will be no white phosphorus used. The Federal Act goes into effect then, and that will take the white phosphorus hazard away from the match business, so, as far as those fumes are concerned, there would not be anything of that sort.

The ventilation will be an easier matter to take care of, of course. That we have under the old bill.

While we are talking about the new white substitute for white phosphorus, I might call attention to just this one bill No. 20. It prohibits the employment of children in the operation of dangerous machinery. Not that we use children in that work, but it classes the match industry as a dangerous occupation, which it will not be after July first. The dangerous part of the match business has

simply been the possibility of the employees contracting phosphorus necrosis from the fumes that do exist to a certain extent.

The CHAIRMAN: Have many cases of phosphorus necrosis resulted up to the present time?

Mr. LIGHT: Very few, compared with the number of employees during any period of time. Of course, there will be absolutely none when the substitute is used, and it just classes us as a dangerous occupation, which I do not think we will be after that time.

The CHAIRMAN: After July first?

Mr. LIGHT: After July first. I am speaking of Bill No. 20, but everything else I would have no comments to make upon except favorable ones.

Mr. JOHN P. QUIGLEY, chief of the Fire Department, then stated that he desired to be heard by the Commission.

Mr. SHIENTAG: Have you seen the bills which the Commissioners have issued relative to the fire hazard in factory buildings?

Chief QUIGLEY: Yes.

Mr. SHIENTAG: Will you give us your views concerning them, Chief?

Chief QUIGLEY: They all tend in the right direction. There are some little things that I will have to call your attention to. One of them is the fire alarm telegraph system which you would have to install in all factories. I can see where this could be made a great hardship on a good many manufacturing people here, from the fact that this certainly seems like quite a complicated system.

The CHAIRMAN: You mean the use of the gong?

Chief QUIGLEY: Yes.

The CHAIRMAN: Suppose we change that word and make it a signal?

Chief QUIGLEY: But if they have got to signal back from the point of the fire to all the other floors in the various factories you still have a very complicated system.

Mr. SHIENTAG: Is not that necessary, Chief, is it not necessary to have an alarm of fire in the building that would notify the occupants of the building of the floor at which the fire occurs?

Chief QUIGLEY: Not necessarily in all cases.

Mr. SHIENTAG: In what cases would it be necessary?

Chief QUIGLEY: If the factory occupied one building, six or seven stories high, it perhaps would be well that the people on all floors would be notified where that fire occurred, but if there are several detached buildings, it is not necessary, there is not any reason why they should all know where the fire is.

Mr. SHIENTAG: There is nothing in that bill, Chief, that requires that now. It simply says that in every factory building there shall be this alarm system, that is every single building. There is nothing in the bill that requires the occupants of a building to be notified of a fire in another building.

Chief QUIGLEY: Does it not say that they shall all be notified?

Mr. SHIENTAG: All in the building, yes.

Commissioner JACKSON: Look at line 2, page 2, within a single building.

Chief QUIGLEY: You realize that a gong system —

The CHAIRMAN: We are not going to insist on a gong system.

Chief QUIGLEY: Any system that must use a magnet, that must use a buzzer, that must have a battery in connection with it. That requires a great deal of attention.

The CHAIRMAN: Then you prefer a signal of whistles?

Chief QUIGLEY: That is much to be preferred, because where a magnet is used, some little defect in the wiring or the making might cause trouble. If they have a whistle in connection with their factory that would give them all the alarm, a general alarm.

The CHAIRMAN: You think that would be sufficient?

Chief QUIGLEY: I do think it would be sufficient for the average factory we have here.

Mr. SHIENTAG: How high is the average factory that you have here?

Chief QUIGLEY: We have some factory buildings as high as eight stories here.

Mr. SHIENTAG: Would that be sufficient in a building eight stories high?

Chief QUIGLEY: I think it would be. Of course, if you are talking of ideal conditions.

Mr. SHIENTAG: Not ideal conditions, but we want a practical safe condition.

Chief QUIGLEY: I think for practical purposes that would be sufficient. There is one other clause there, there is no authority placed as to who shall put this system in. It does not say whether the occupant of the building shall or the owner. Now, we have factory buildings here that are known as industrial buildings, where there are three, four, five or six different manufacturing concerns under one roof. Who is to place that in?

The CHAIRMAN: In the absence of anything as to that, the owner is responsible, is he not?

Mr. SHIENTAG: Who do you think ought to place it in?

Chief QUIGLEY: I presume the owner of the building.

Mr. SHIENTAG: That is a very simple matter. We can take that up.

The CHAIRMAN: Under the present law it is the obligation of the owner, is it not, since there is not anything to the contrary?

Chief QUIGLEY: Another point I want to call your attention to. I am speaking now mostly of industrial buildings. That is the fire drill. If there are half a dozen occupying a floor, or a part of a floor, we must all have this drill. Who is to enforce that drill? Then shall there be a drill under the supervision of the fire department, or an officer to be assigned? It does not seem that he can enforce that drill.

Commissioner JACKSON: Who is enforcing it now?

Chief QUIGLEY: They are rather doing it themselves. While we are looking after that, we do not organize such drill, we do not assume such responsibility. We have a man we send out to see this drill at stated times when they perform it, but you are aware that they have just lately started, since October.

Mr. SHIENTAG: Are you the deputy of the Fire Marshal?

Chief QUIGLEY: Yes, sir.

Mr. SHIENTAG: Is it not the Fire Marshal's duty to organize drills under this act?

Chief QUIGLEY: It says he shall furnish rules and regulations, but you understand what rules and regulations would be good in one factory would be worth nothing in another.

Mr. SHIENTAG: That is just the point. Under that very law, is it not the duty of the Fire Marshal to make rules and regulations for each especial factory?

Chief QUIGLEY: He would be a pretty busy man.

Mr. SHIENTAG: You are the man who represents him, are you not?

Chief QUIGLEY: I act under his orders.

Mr. SHIENTAG: How many factories have you in Syracuse that come under the provisions of the Fire Drill Law; have you any idea, approximately?

Chief QUIGLEY: Well, I would not want to state.

Mr. SHIENTAG: About how many, in round numbers?

Chief QUIGLEY: We have got two or three hundred. We have got a great many small factories, not a great many large ones.

Mr. SHIENTAG: Have any of these installed a fire drill?

Chief QUIGLEY: Yes.

MR. SHIENTAG: Have any fire drills been conducted under your supervision?

CHIEF QUIGLEY: Under the supervision of my department, yes, sir.

MR. SHIENTAG: Are they successful?

CHIEF QUIGLEY: Apparently.

MR. SHIENTAG: Have you witnessed any of them yourself?

CHIEF QUIGLEY: No, I have not.

MR. SHIENTAG: Is there anything further, Chief?

CHIEF QUIGLEY: I do not just recall anything further now.

MR. SHIENTAG: Do you think the other requirements of the bills are reasonable requirements and are necessary to protect life?

CHIEF QUIGLEY: Yes. I think they all tend along right lines, apart from the expensive fire alarm system and the question of drills in industrial buildings — I do not see why they cannot be nicely carried out.

MR. SHIENTAG: How about the requirement for enclosing wooden stairways with fireproof material?

CHIEF QUIGLEY: Well, there are some factory buildings in Syracuse that I believe it would be a hardship if you enforced that.

MR. SHIENTAG: What buildings?

CHIEF QUIGLEY: Well, I do not care to mention any particular building.

MR. SHIENTAG: Do not mention names; describe the buildings that you think it would be a hardship in.

CHIEF QUIGLEY: A building that has stairways already built in a part of the building, so that it would be a little inconvenient to put that up.

Mr. SHIENTAG: It might be inconvenient, but how about the hazard to life in a building of that kind?

Chief QUIGLEY.—In some places I do not know that it would be a great hazard to life at all. In other places perhaps it might be.

Mr. SHIENTAG: What do you think of the general proposition of having wooden stairways unenclosed?

Chief QUIGLEY: I do not think they should be allowed to be built.

Mr. SHIENTAG: Well, are they safe?

Chief QUIGLEY: There is nothing safe in a building that will burn. I cannot tell you that they would be safe.

Mr. SHIENTAG: I think you testified here last year that you thought them unsafe, and very unsafe?

Chief QUIGLEY: In some cases, very unsafe.

Mr. SHIENTAG: In what cases would they be very unsafe?

Chief QUIGLEY: When there is inflammable material around the stairways, or when they manufacture inflammable stuff.

Mr. SHIENTAG: Take the case of a stairway in the center of the building unenclosed.

Chief QUIGLEY: That would be a great draft for the fire, through the stairway.

Mr. SHIENTAG: Would not that be a dangerous situation in case of a fire occurring near the stairway?

Chief QUIGLEY: That would depend to a large extent — you are speaking now of loss of life?

Mr. SHIENTAG: Yes.

Chief QUIGLEY: That would depend to a large extent on whether there was another way of getting out for the people above.

Mr. SHIENTAG: You heard Mr. Cook testify here this morning?

Chief QUIGLEY: Yes, sir.

Mr. SHIENTAG: Are you familiar with his building?

Chief QUIGLEY: Somewhat, yes, sir.

Mr. SHIENTAG: Do you think it would be a hardship or unreasonable to require him to enclose that stairway in the middle of the building with the fireproof wall; do you think it would be necessary for the safety of employees to require that change?

Chief QUIGLEY: I do not really think it is absolutely necessary in that case.

Mr. SHIENTAG: What do you mean by absolutely necessary; do you think it ought to be done?

Chief QUIGLEY: There are other ways of getting out of that building.

Mr. SHIENTAG: What are the other ways of getting out of the building?

Chief QUIGLEY: There are two fire escapes on that building. There is another stairway in the end of the building, and fire escapes, and now they are putting in another fire escape, which would make three fire escapes.

Mr. SHIENTAG: What do you think of outside fire escapes?

Chief QUIGLEY: If properly put up and of the proper kind they are all right.

Mr. SHIENTAG: What do you call the proper kind of fire escapes?

Chief QUIGLEY: Built on an angle, with treads and a rail, and a good balcony to take in lot less than two windows, and the windows constructed down to the floor.

Mr. SHIENTAG: Would you classify Mr. Cook's establishment in the hazardous class?

Chief QUIGLEY: Oh, no.

Mr. SHIENTAG: What class would you put it in?

Chief QUIGLEY: The medium class.

Mr. SHIENTAG: You do not think that in his case it would be necessary to enclose the middle stairway?

Chief QUIGLEY: It would be an additional safeguard; I wouldn't want to say that it is not necessary.

Mr. SHIENTAG: Do you think it would be advisable to do it as an abstract proposition, disregarding Mr. Cook for the moment?

Chief QUIGLEY: I do not know Mr. Cook. I never saw him before now. It would be an additional safeguard.

Mr. SHIENTAG: You would recommend that it be done, would you not, if you had the power?

Chief QUIGLEY: I do not know.

Mr. SHIENTAG: You have the power to recommend it to the State Fire Marshal now, have you not, sir.

Chief QUIGLEY: Yes, I have that power.

Mr. THOMAS VAN NORMAN then stated that he would like to be heard by the Commission.

By Mr. SHIENTAG:

Q. What is your business? A. Our trade is that of the iron moulder, in the founders' business.

Q. How many employees have you? A. About forty.

Q. Men? A. All except two women in the office.

Q. Do you employ any women in your core room? A. No.

Q. We would be very glad to hear you on this bill. A. As to the bills as a whole I would say that I cannot approve of them as a whole, but I would rather pick out some particular bills.

No. 9, smoke, steam and gases.

Q. You are taking up the foundry bill now, subdivision 9, is that right? A. Yes. This is the clause relating to smoke and gases.

The CHAIRMAN: What is the number of the bill?

Mr. SHIENTAG: No. 17.

Mr. VAN NORMAN: The foundry business is a business that very few people understand, except those actually engaged in it, for the reason that there are so many different kinds of foundries. Now, take the foundries that have been built in recent years, where they manufacture specialties, they have taken care of nearly all the clauses and provisions that you have made here for better conditions in the foundries, but the foundries that have been in existence for years, which are the great majority in this state, for them it would be almost impossible to comply with those rules unless they were reconstructed.

By Mr. SHIENTAG:

Q. What rules? A. This provision for smoke and gas, and cleaning castings in separate rooms, and wash rooms, with all those conditions.

Q. Take up your foundry and tell us what the conditions there are. A. In speaking of my own foundry I might say that there are only one or two clauses which would directly affect us.

Q. What are those clauses? A. Being a moulder myself, and I have worked at the business, not only at the business, but I worked as a moulder for about fifteen years, and I am familiar with the conditions here, and the conditions as to health, the general conditions pertaining to health.

The CHAIRMAN: These suggestions we got principally from men in the same line of business. We did not take our own notions about it. We got it from men of experience in the business.

Mr. VAN NORMAN: Take the clause which says that all smoke and gases generated in a foundry shall be promptly and efficiently removed therefrom. I do not suppose it is necessary for me to read it. I say in some of the foundries, in fact in the jobbing foundries, it is physically impossible to run without smoke and gas. You could not do it.

By Mr. SHIENTAG:

Q. Cannot you remove the smoke and gas and fumes and the dirt and dust as much as possible, or would you like to have them just as they are? A. I can answer that very easily. A factory

inspector — I saw him here a little while ago, I think he is back there — he came in one day last summer. He says to me, Mr. Van Norman, I would like to offer you a suggestion for removing the smoke and gases from the foundry. Leave the cupola open, place them under the cupola and let the smoke and gas go up. I said, come upstairs and I will show you a letter that I got from a city inspector saying that a lady over on the opposite street was making a complaint about the smoke. If you say we cannot keep it inside, and you say we cannot keep it outside, what are you going to do. I said, I get arrested if I let the smoke out, and you arrest me if I leave the smoke in, and what am I going to do about it.

The CHAIRMAN: Who was it who told you how to let the smoke out?

Mr. VAN NORMAN: The inspector.

The CHAIRMAN: And who was it that told you that you could not let the smoke out?

Mr. VAN NORMAN: The city inspector, he sent a notice.

The CHAIRMAN: What did they expect you to do with the smoke?

Mr. VAN NORMAN: I have the letter.

The CHAIRMAN: That sounds unreasonable.

Mr. VAN NORMAN: We had the letter in the office at the time, a complaint to the city department, saying that we were creating smoke and dust and it was injurious to the neighborhood. The lady lived on Montgomery street.

The CHAIRMAN: What did you do about it?

Mr. VAN NORMAN: I simply continued under the conditions as they existed.

The CHAIRMAN: What happened to the smoke?

Mr. VAN NORMAN: I let it go as it was.

The CHAIRMAN: It went up the chimney?

Mr. VAN NORMAN: It went out through the window and things we provided.

Mr. SHIENTAG: How high is the chimney?

Mr. VAN NORMAN: Our roof is about fifty feet high. What I say is this, if the law is made as you provide, and you cannot provide any means for carrying it out, we will have to violate the law. There are foundries, like bedstead factories, where they do not create any smoke, but where you have steel mills that are all open, or where they are running a jobbing foundry, they cannot run them without creating smoke.

Commissioner JACKSON: The factory inspector suggested a way; did you carry his suggestion out?

Mr. VAN NORMAN: The factory inspector's suggestion might be very good, but I did not stop to explain that the bottom of the cupola is closed every morning at 11 o'clock.

Commissioner JACKSON: Then his suggestion was not worth anything?

Mr. VAN NORMAN: It was worth just what I have explained here.

Commissioner JACKSON: In a modern factory they can comply with this bill, a building that has been lately constructed?

Mr. VAN NORMAN: I said a factory where they manufactured specialties in the foundry line, such as harvesters, they can, in a general way, provide a way to get around it, but in a straight jobbing foundry you cannot do it.

By Mr. SHIENTAG:

Q. Is there any other provision of the bill that you think you cannot comply with? A. As to the milling and the cleaning of castings being done in rooms not otherwise used during the progress through the mill, in our foundry, and the different foundries around here with which I am familiar to have to clean the castings in a separate room would be a very hard thing to comply with. The reason for that is this. We frequently get castings

which are large and bulky, odd shapes, which are difficult to handle, and in the foundry proper we have sufficient machinery to handle it in a safe way. To compel us to take them to another room would seem that we would have to provide another equipment, and that is a very costly thing in some cases. We cannot turn them over, cannot handle them more than once or twice, and we have to clean them right there. Sometimes they are so big we cannot get them through the general passageway.

Q. Did you ever have a case of that kind in your foundry?

A. A month ago, yes.

Q. What precautions did you take against the dust? A. When cleaning the castings no precautions can be taken any more than proper ventilation.

Q. Members of your former organization disagree with you on that. They think precautions can be taken. I do not know whether you are a member of that organization or not. A. I do belong to it, and I have an honorary card in it.

Q. Is there anything further? A. In regard to the washrooms. There is nobody to-day who wishes to stand before the public and in any way criticise anything of the modern sanitary methods, because he would be put down as a fool if he did, but my experience has been with the moulders, and what I am going to say may seem like a strange statement. My experience has been with moulders that 90 per cent. of them do not wash in the foundry. That is not altogether because they have not washrooms. I am familiar with the business itself, and I never washed in the foundry. I might have on one or two occasions. I think if you will examine carefully the report of your factory inspector you will find that the average moulders do not wash up in the foundry before they go home.

Q. Is not that because the facilities are inadequate? A. I just said it was not due to that. We have a wash tank if anybody wants to use it.

Q. What sort? A. The J. L. Mott tank, with faucets overhead and proper drainage.

Q. How many faucets are there? A. Three.

Q. For how many men? A. Up to 25 or 28; somewheres along there.

THE CHAIRMAN: They cannot all get around it at once?

MR. VAN NORMAN: They do not use it. Twenty-eight years ago, when I worked in the Stearns foundry, he constructed one of the nicest rooms for a washroom that was ever put up. Mr. McGowan, who represents the moulders, will say the same thing, and I think there was a charge of three cents a week for keeping it up, and I was one of the men who would not use it and would not pay for it. It went into disuse. When I was superintendent of that factory about ten years ago Mr. Stearns put up a shower bath with cement floors, and good enough for anybody to use. I said it would not be of much benefit because the men would not use it, and they did not. I say these things here, and I say they may look to you to be bold assertions, but they are facts.

By MR. SHIENTAG:

Q. Is that a reason for not having washrooms in a foundry?

A. The necessity for an article is what creates the demand.

Q. But don't you think they ought to be encouraged to use the article? A. I do not think so, no. Another thing, the idea of these bills seems to be that it is putting the men in a position where they are dependent on you. That is not so.

THE CHAIRMAN: What do you mean by that; they are asking for this, however?

MR. VAN NORMAN: The good moulder has an opportunity to defend himself; he can take care of himself, and he does not have to ask for favors.

THE CHAIRMAN: He is not asking for a favor; he is asking for his rights. I think you are wrong about that. They are asking us to help them in this legislation.

MR. VAN NORMAN: As far as the other bills are concerned, it does not matter, but those two bills particularly I refer to; the bill that says that castings must be cleaned in a separate room, and the washroom provision. But I have got a washroom, and that does not matter to me, but if this legislation is enacted you will find from your factory inspector that in nine cases out of ten they

will not be used. They might be by some men, but they will not be used. They find if after the day's work they go out and walk, you might think they would take cold, but they do not do so as much as if they stopped to wash up, and clean up.

The CHAIRMAN: Your argument is against the result of scientific researches of years.

Mr. VAN NORMAN: My experience ought to be a good teacher. I know of moulders in this city who have been 34 or 35 years in the shop. I have no objection to these bills, none except as to the cleaning of castings in the foundry. That would be very hard to do in that way.

Mr. SHIENTAG: That is a matter the Commission has under consideration.

The CHAIRMAN: We were to have submitted to us some facts as to occupational diseases and the number of deaths. You will find, if you study the question, that the sickness they suffer from is the result of the industry a good deal, and some perhaps of it can be avoided.

Mr. VAN NORMAN: You will find if you take the figures from the liability insurance companies that in the jobbing foundries they class the damage to moulders as very slight. It is in the cases of the specialties that the damage is great.

Mr. SHIENTAG: The only provision that you take any exception to is the provision relating to the cleaning of castings and the provision for the removal of the smoke, is that right?

Mr. VAN NORMAN: No, I say as a general thing I do not think the bills are necessary, because they are now really covered by the present factory rules.

Mr. SHIENTAG: Do they do any harm?

Mr. VAN NORMAN: They would not do any good. They are already in force in a general sense. The present factory inspection calls for every condition there except those particular things. They call for water closets, washrooms.

By Mr. SHIENTAG :

Q. You think the bills are superfluous? A. I think in a measure it is class legislation. It sets off the foundries from other occupations, the rolling mills and so forth in the same class.

Q. Would you favor special legislation for the improvement of conditions in bakeries? A. I am not acquainted with bakeries; I do not know anything about bakeries, foundries I do.

By the CHAIRMAN :

Q. You are satisfied, are you, with the present method of inspection of the Labor Department? A. Yes, they should suggest how the laws are to be complied with.

By the CHAIRMAN :

Q. The factory inspector suggested that you remove the smoke, etc. He suggests a method. How long ago was it he suggested that method? A. I could not say.

By Mr. SHIENTAG :

Q. Several years? A. No, probably a year and a half. I can tell you by looking at the date of the letter from the city.

Q. Has he suggested any other methods since that? A. No.

Q. Has he been in your factory? A. Yes, he was there last week. He inspected our factory. I think if he looks up his report he will find that our factory is in good condition really now.

Q. What was the name of the inspector? A. Mr. Wilbur. I laughed at him, and I said if we let the smoke outside we would be arrested, and if we kept it in why he would arrest me.

Q. Mr. Wilbur lives in Syracuse? A. Yes. He said that he made that suggestion in some foundry in another town.

The CHAIRMAN : Your attitude, as I understand, toward these bills is that things are all right, are all right as they are, and there is not any need for any more legislation?

Mr. VAN NORMAN : My attitude is that if the factory inspection is carried out as it is, and the proper attention is given to cleanliness and sanitary conditions, that further legislation as to foundries is not needed, and in some cases it will be very, very

hard to comply with the law. I do not speak of the specialty manufacturers.

The CHAIRMAN: Do you think that the factory inspection in this city is all right?

Mr. VAN NORMAN: I wish to say that. I know with our business we have been very careful, looked over the conditions and have seen that everything was correct. Perhaps that would not apply to all cases, but in my own case we have no reason to complain. I worked fifteen years at the business and know both sides of the question.

Mr. WILLIAM B. SMITH, of the Smith & Caffrey Company then stated he would like to be heard by the Commission.

By Mr. SHIENTAG:

Q. What business is the Smith & Caffrey Company in?
A. Foundry.

Q. What kind of a foundry? A. A general foundry, jobbing.

Q. How many men do you employ? A. About seventy-five.

Q. Any women? A. No.

Q. We would be glad to hear you on any of these bills? A. The only question that would affect us as to bill No. 17 is in regard to the cleaning of castings, which Mr. Van Norman has covered. We happen to have one of the old fashioned buildings that is about 70 by 90 feet and about 75 feet high, and we make a heavy grade of castings. For instance, we made two castings within the last two weeks that weighed about six tons each. Those castings have got to be removed to the lower part of the foundry and cleaned there. They are carted from that point to the railroad. We have no means of handling them, we haven't the room.

Q. What do you do to remove the dust or prevent the dust from rising in cleaning the castings? A. We open the vents.

Q. Does it remove the dust? A. Yes, in a measure.

Q. Is not there some suction besides that would remove the dust more effectively? A. I do not know of any that you could put in our building. That is, a building seventy-five feet high of that sort. The dust naturally rises quickly, and it goes out of the windows.

Q. It is inhaled by those in the immediate vicinity before it rises. The Commissioner of Labor at the hearing on these foundry bills at Albany suggested that in the case of heavy castings it might be advisable to have them placed on an elevated grating, and have a suction device underneath that would remove the dust. A. I never have taken that up. I do not see how it would work in a building such as I have described. It is seventy-five feet high, and the dust rises quickly, because there is more or less suction in a building of that size.

Commissioner JACKSON: How much would it cost to partition off a part of the foundry and put up the grate?

Mr. SMITH: If they did that they could not use our cranes.

Commissioner JACKSON: Could not use the cranes?

Mr. SMITH: No, you have got to lift the castings from the sand and transfer them to the floor, and the crane is there.

Commissioner PHILLIPS: I think there was a foundryman at the hearing at Albany, from Brooklyn, I think, who had some method that he designed, was it not a curtain?

Mr. SHIENTAG: A piece of canvas suspended, and when the casting was being cleaned it was placed at the extreme end of the foundry, and would prevent the dust from going over the entire foundry.

The CHAIRMAN: That seemed to work very effectively there.

Mr. SHIENTAG: Another suggestion was that you could have a movable partition, a sliding partition could be used at the extreme end where the castings were being cleaned.

Mr. SMITH: We have two cranes. It is necessary for us to transfer them from one crane to another. We could not make an enclosure to handle the castings such as we make.

Commissioner PHILLIPS: What is the process of cleaning them, a suction process?

Mr. SMITH: I do not think so. We take the cores off by blasting with pneumatic air. There is a great deal more dust to that than in the other.

Commissioner JACKSON: It is absolutely impossible in your foundry to arrange it?

Mr. SMITH: Absolutely impossible. If you could see the conditions there and see the size of the work we make you would see for yourself very readily.

Commissioner PHILLIPS: If you built a new foundry in what way would it differ?

Mr. SMITH: We would have a different style of foundry entirely. That would be provided for.

Commissioner PHILLIPS: What would be the best way to provide for those conditions in building a new foundry?

Mr. SMITH: I could not say exactly. I have not looked into it. I have seen the General Electric Company plant. They have a modern, up-to-date foundry with every appliance, but they have castings transferred to a cleaning room, which is all right in a proper way.

Commissioner PHILLIPS: You think the idea of having a separate room is good if the factory is a new one, laid out so that it can be done?

Mr. SMITH: Yes, I think so. That is the way it ought to be.

Mr. SHIENTAG: You think that would not be an unreasonable requirement, in the case of foundries to be constructed in the future?

Mr. SMITH: No, I do not.

Mr. SHIENTAG: What do you think of the other provisions of these proposed bills?

Mr. SMITH: There is one other provision. About four years ago we put in at the suggestion of the Department, and in fact we wanted it ourselves, an outside toilet, heated by steam, with the wash stands, and that is about twenty feet from the edge of the foundry, so the men had to go outside. Were the suggestion of this bill carried out, having a covered runway, that would prevent us from drawing anything out through the yard, because that

is the passageway that we have to use continually for trucking. In our shop we could not do it.

Commissioner PHILLIPS: Don't you think that is a bad situation, when a man is all heated up to have to go out through a cold passageway to a cold toilet room?

Mr. SMITH: I do not know. In the foundry business he is in and out all the time anyway.

The CHAIRMAN: Take a man perspiring in a foundry, after working a certain time, they all perspire, perhaps?

Mr. SMITH: Yes, at certain times.

The CHAIRMAN: Say, in the winter time, where a man is perspiring, going out into the cold, don't you think that is a pretty dangerous thing?

Mr. SMITH: Considering the length of time he takes to go there, I do not think he would take much cold. It is steam heated, you know.

The CHAIRMAN: You mean in going the distance between the foundry and the privy?

Mr. SMITH: No.

The CHAIRMAN: That is where he would get the cold.

Mr. SMITH: That is something we could not possibly comply with if it were made a law.

Mr. SHIENTAG: You would have to remove the water closet from the place where it is situated now.

Mr. SMITH: That was approved by the Labor Department, the plans were sent to them, submitted to them.

The CHAIRMAN: We are trying to improve things all the time. Things that were approved of twenty years ago may not meet the approval of the government generally, now. As long as it is not absolute confiscation or a very serious injury, I think we ought to try to make the conditions better.

Mr. SMITH: This cost \$1,200, this building.

The CHAIRMAN: How long ago?

Mr. SMITH: Four years ago. It is one of the most modern up-to-date institutions there. Better than our plant.

Mr. EDWARD C. STEARNS then stated he desired to be heard by the Commission.

By Mr. SHIENTAG:

Q. What business are you in? A. Manufacturing iron goods, which industrially includes a foundry.

Q. How many people do you employ in your foundry? A. I should think about 250.

Q. How many of these are men? A. I should say over 200, perhaps 210 or 215.

Q. How many women? A. I think in the neighborhood of 25.

Q. Are the women employed in the core room? A. Yes.

Q. We would be glad to hear you on the proposed bill. A. Well, I will refer to bill No. 16, turning to page 3, line 15.

Q. Proposed bill No. 16, concerning working women in core rooms? A. Page 3, line 15: That no female shall be employed or permitted to work. I fancy the Commission is fully cognizant of its wording so I will not go through that, but I want to enter an objection first on the ground of the young men. I see no objection, no reason why women should not make cores any more than young men. I want to say these few words in explanation of this. Cores might be divided into two classes. The one side is the large cores, that requires a journeyman or an experienced man to make. The others are cores as small as a lead pencil, up to the size of your hand. Those kind of cores are usually made in foundries by boys or young men or girls. We employed boys for a great many years, and for the last five or six years we have employed girls making those cores. I can see no reason why, if it is unhealthy for females to work under those conditions, why it is not equally unhealthy for males to work under those conditions.

Q. Don't you realize that women are built differently physically than men? Women ought to be protected more fully than men are. Is not their physical structure different? A. Not so far as

the work involved in the work of core making is concerned, I do not realize that.

Q. You say you employ about twenty-five to forty? A. Yes.

Q. Mostly foreigners? A. I should think a large percentage of the girls in the core room, yes.

Q. Are there any Americans working in the core room? A. Yes.

Q. How many? A. I could not tell you that. I think perhaps half a dozen or so.

Q. Our inspector says that they are Poles. A. I think his report is right. That would be nearly all of them.

Q. Where is your core room located? A. It is located on the second floor in the southern end of the foundry building. I also want to object to this wording, not only on account of the boys, but I think it is a discrimination against the boys as well as the women.

Q. This bill does not provide against the employment of women in core rooms.

Mr. STEARNS: Have you the floor, or have I?

Mr. SHIENTAG: I have just now. This bill does not prohibit the employment of women in core rooms? A. Under certain conditions.

Q. Those conditions we would like to have you speak about. A. I do not object to the conditions, as outlined here. I object to their being confined to females.

Q. We can easily remedy that. We will make it cover males too. A. I have no objection. Cross out the word "females" and I have no objection.

The CHAIRMAN: Your theory is that it is not any better for the ladies than for the young men?

Mr. STEARNS: The young men. If you are going to give them any advantage over the young men.

The CHAIRMAN: You really think they are no different. You know there is a particular interest we have in a girl. The girl of to-day is the mother of to-morrow. She produces our children,

and we have got to preserve her a little better if we are going to have good future citizens.

Mr. STEARNS: That is true in certain directions.

The CHAIRMAN: The whole movement of to-day is against giving women labor which will tax their physical capacity.

Mr. STEARNS: Yes.

The CHAIRMAN: They are opposed to our working the women in a way that will be injurious to the women. We saw women working in some of the core rooms, and know the conditions were very unsatisfactory and unsanitary in some cases.

Mr. STEARNS: I think so, yes, and I think it is so for the young men, too.

Commissioner JACKSON: How long have you been employing women?

Mr. STEARNS: Four years.

Commissioner JACKSON: How long have you been employing boys?

Mr. STEARNS: Twenty-five or thirty years, perhaps.

Commissioner JACKSON: Why did you change?

Mr. STEARNS: Well, the boys were such unsteady workers, one day they would be there and the next day they wouldn't, and they would be off two or three days, boys of that age.

Commissioner JACKSON: You say you want to speak for the young men, and you took them out of the work and put in the women. You did not seem to care much for the young men.

Mr. STEARNS: I did.

Commissioner JACKSON: You cared for the women more?

Mr. STEARNS: They were steadier. They worked more days in a week, more days in a year.

Commissioner JACKSON: How do their wages compare?

MR. STEARNS: That is a little hard to say. The girls now earn more money than the boys did then. Of course wages have advanced and it is hard to make that comparison. The girls we have, make very good wages at that kind of work.

Commissioner JACKSON: It is work by the piece of course?

MR. STEARNS: Yes, piece work. I want to answer one point here. You should take care of and safeguard the health of the female. That is true. But there is no reason why in work like making these small cores, no objection to it, except that perhaps that of being seated while at work — and I might say that the girls very seldom take advantage of an opportunity to be seated when they are at their work.

MR. SHIENTAG: These are piece workers? A. Yes.

Q. They would not want to take away from their time, they could not do as much work? A. I do not think they could work quite as fast as if —

A VOICE: May I ask Mr. Stearns a question?

The CHAIRMAN: Mr. Stearns has said that he would like to finish his remarks before being interrupted. We ought to permit him to finish. Have you finished your remarks on the bill?

MR. STEARNS: I have finished on Bill 16. Are there any questions to be asked on Bill 16?

MR. MCGOWAN: I would like to ask Mr. Stearns if it is a fact that the women have to put the cores in the oven themselves.

MR. STEARNS: The young men do it.

MR. MCGOWAN: They do not do it themselves?

MR. STEARNS: No, they do not.

Commissioner JACKSON: Are they prohibited from doing it?

MR. STEARNS: No, but it is done for them. It is not put in the oven in the same room.

Commissioner PHILLIPS: Not in the core room?

MR. STEARNS: Not where they are made, no.

Commissioner PHILLIPS: So there is really a partition between that and where the women work, so that really you are complying with that bill?

Mr. STEARNS: Yes, but not technically speaking. Of course to be absolutely fine, minute, you cannot prevent the escaping of gases from one room to another.

Commissioner PHILLIPS: What is the nature of the partition?

Mr. STEARNS: Wood.

Commissioner PHILLIPS: How do you get the cores around to the oven?

Mr. STEARNS: There are little slides that open about as wide as this pencil, and the cores are passed through the slide into the adjoining room where the oven is located.

Commissioner JACKSON: The boys do that sort of work carrying them to the slide?

Mr. STEARNS: No, the girls.

Commissioner JACKSON: How do they carry them?

Mr. STEARNS: She turns right around and slides the plate and the core right back.

Commissioner JACKSON: There are a great many openings?

Mr. STEARNS: Yes, it is continuous almost, not quite. There would be a space of about two feet between each opening.

Commissioner PHILLIPS: Are they open all the time?

Mr. STEARNS: They can be closed.

Commissioner PHILLIPS: And opened as wanted?

Mr. STEARNS: Yes, sir.

The CHAIRMAN: You have not any young men doing core work?

Mr. STEARNS: Not absolutely making cores. No. The young men handle the cores.

The CHAIRMAN: In the making of the cores?

Mr. STEARNS: Yes, I do have young men making cores, I will take that back. I should think ten or a dozen young men making cores.

The CHAIRMAN: How many females?

Mr. STEARNS: About twenty-five to forty, varying according to the time of the year.

The CHAIRMAN: If this bill should not include all the young men working, you do not want to sacrifice the young lady. You are willing that she should be taken care of. You are in favor of that bill, except that you want something in addition.

Mr. STEARNS: I am in favor of the bill provided you do not make it male or female.

The CHAIRMAN: The point is this: If, for instance, you want two loaves of bread and you can only get one, you would take that one, would you not, if otherwise you would not get any? So if you do not get both, are you not willing to take the one which is for the benefit of the ladies?

Mr. STEARNS: No, because I claim an equal benefit for the male.

The CHAIRMAN: You are a champion of the male employee?

Mr. STEARNS: Do not make it a matter of sex in connection with core making, that is my objection.

The CHAIRMAN: You are so much interested in the male that you do not want the female protected until the male is also protected?

Mr. STEARNS: I want it equal rights for both. I think I have made my point clear.

Commissioner PHILLIPS: Do you think the core room ought to be separated from the oven?

Mr. STEARNS: Whenever possible, yes.

The CHAIRMAN: I do not get your idea very clearly. I want to be perfectly fair. It is just like if you have 100 men and 100

women in a factory and you have a bill here for the protection, at least for the benefit of the 100 ladies. It seems to me that if you want it for both that you would be in favor of this proposition which would be of benefit to the ladies, and in addition to that you would want a bill to take care of the 100 men, but if you cannot get both, you should surely want to take the one. That it seems to me would be the attitude to take. Really do you not think so yourself?

Mr. STEARNS: I think this, Mr. Chairman: This is a bill aimed principally at women working in core rooms. I think this is new legislation that is proposed, and I do not want to see legislation go on the books that is faulty and for that reason I object. I object to having it where the sex is brought in, in connection with the work.

The CHAIRMAN: Do you believe in the law which limits the hours of labor for women and children to only 54 hours in a factory now?

Mr. STEARNS: I am in favor of that, yes.

The CHAIRMAN: There is a discrimination in favor of the women and children.

Mr. STEARNS: Yes, sir.

The CHAIRMAN: So you see the tendency of the times, the tendency of legislation from time immemorial almost, has always been to take care of the female, giving her a little more protection than the man. A man can take care of himself pretty well.

Mr. STEARNS: I think I have made my objection clear. If there are any questions on bill 16, I will answer them.

Mr. SHIENTAG: No, nothing more.

Mr. STEARNS: Bill No. 17, on the question of wash rooms. In every factory there shall be provided and maintained suitable wash rooms. Do I understand that that is the law at the present time?

The CHAIRMAN: I think that is the law at the present time, what line do you refer to?

Mr. STEARNS: Page 2, line 4.

The CHAIRMAN: Yes.

Commissioner JACKSON: That is the present law, but it is stricken out.

Mr. STEARNS: I want to say in connection with this wording of that line 4, continuing down to line 7, that maintaining wash rooms for foundry men has not been very successful in my experience. When I was quite a young man I desired to do all I could for the men and I made separate wash rooms for the men that worked in the foundry, and separate wash rooms for the men that worked in the machine shop and other departments of the building, but I was not successful in getting the foundry men to wash up. I finally abandoned them. Some few years ago, about seven years ago, I thought I saw the reason for not washing. It seemed to me that the foundry man when he got through did not only want to have his hands clean, but he also wanted to be clean all over. So I constructed shower baths where they could turn on hot and cold water, but I found they did not use them, and I got thinking further and it occurred to me that the reason they would not use them was because they could not change their clothing and had a change of clothes, so I put in lockers, but when I got that all done, I could not get the men to use the shower baths. They went into disuse. About two or three years ago, I think, I put in wash rooms which did comply with the law and they are in existence there. About two months ago, possibly three, a factory inspector came to me and said, "Mr. Stearns, your wash room conditions here are not as they should be; they are all dusty, and they do not look as though they were being used." The factory inspector is here at the present time. I said, "If you will go down in the factory and find three men out of two hundred and fifty that will say they will use those wash-rooms I will have hot and cold water there noon and night, and I will go further, I will furnish them soap." He says, "I will take you up on that proposition." He went down into the foundry and consulted, and I do not know how many, about a dozen of the most intelligent men of the lot. Men who spoke English, and when he got through he said, "Mr. Stearns, I will give it up. They do not want the wash room." I would like very much to

have the Chairman call the factory inspector and have him give the reasons that the men gave because they did not want the wash-room. I think it would throw a considerable light on that subject.

Page 3, line 9, smoke, steam and gases generated in foundries shall be promptly and effectively removed therefrom. I think it would be impossible in a majority of the foundries, almost any foundry, to really and truly carry out that provision. I sat here this afternoon, right after dinner, and I think I experienced more difficulty with smoke than I had in my foundry at times. I know the air got so thick I could not quite see, I had to take off my glasses and wipe them. I think the wording of that is getting it down too fine. I think there should be some latitude left there for the labor commissioner, or his deputies. I do not think that would be possible to ever literally carry that out.

The CHAIRMAN: You think there ought to be some such language as "as much as possible"?

Mr. STEARNS: As much as possible.

Commissioner PHILLIPS: The advisory board could make rules and regulations of various kinds.

Mr. STEARNS: I think that is it.

Line 13, same page, page 3, the milling and the cleaning of castings and so forth should be done in a separate room. I think there should be some latitude there. In older foundries where they have been built many years ago it would be a great hardship to have to take our large castings and clean them in a separate room. We would have to have special traveling cranes. Many foundries are not financially equipped to comply with the conditions required by that wording for that matter. I think the same point I should make there about the smoke and the gas, that should be a matter of discretion with the Commission.

The next is paragraph 4, line 20. About the use of heaters: We have the Sturtevant Exhaust System, which in summer time blows cold air into the foundry and in winter time blows in hot air, but there are days in the foundry when the thermometer registers below zero, and it is not sufficiently warm, and the men

build open fires there, and they sit around them during their lunch hour. I do not think that should be objected to.

The CHAIRMAN: Is not that because the heating system is not sufficient?

Mr. STEARNS: It is not sufficient for those days, and it is very difficult on those kinds of days to get the heating system up to the required conditions. I have finished my remarks.

Mr. SHIENTAG: I would like to ask you a few questions about the conditions in your foundry.

Mr. STEARNS: Yes.

Q. What do your privy accommodations consist of for the men?

A. Do you mean the location?

Q. Are there not individual water closets? A. No, each man has not a separate water closet.

Q. Have you not separate water closets, compartments? A. No compartments, it is open.

Q. On the fourth floor of your building? A. Speaking of the foundry?

Q. How many buildings are there? A. The foundry building is one story.

Q. I am speaking of the four story mill construction building? A. That is not part of our foundry, though, but I am willing to answer questions on that.

Q. What privy accommodations have you on the fourth floor there? A. Well, there are two. In the old building that was built a good many years ago, that is in an L. In that L is the water closet, stairway and elevator shaft. That is the building that stands on Oneida street, and is 100 feet one way and about 60 feet the other. The new part stands immediately south of that, about 150 feet long. There is a water closet on the top floor.

Q. Is there a long wooden box lined with sheet iron on the fourth floor that is used as a water closet? A. I could not be sure of that.

Q. Our inspector reports that there is. A. Then there probably is.

Q. A long wooden box lined with sheet iron on the fourth floor used as a water closet? A. I know a sheet metal lining in a water closet is quite as clean, or more so than a cast iron. They use cast iron in some places. But sheet iron is smoother and keeps cleaner.

Q. Are your emery wheels properly protected? A. I think they are. We operate a good many.

Q. Is it not a frequent occurrence that the particles of the emery get into the eyes of the operators? A. Yes.

Q. Well, they are not very well covered, then? A. We cannot cover them because you have got to put your work in contact with the wheel.

Q. Is there no way of covering them? A. Yes, but not entirely.

Q. Do the men operating the wheels wear goggles? A. Most of them.

Q. Who supplies the goggles? A. I could not tell you, whether they do or whether we do. I think they do.

Q. Where is your corerom, above the floor of the foundry? A. Yes. That is, the part where the women work is above. The part where the men work is on the lower floor.

Q. And the part where the women work is above the part where the men work? A. A portion of it.

Q. And the dust and the gases from below are apt to permeate into the room in which the women work? A. They do not work there at the time that those gases are made. The women go home before that time. They go home about half-past three in our corerom.

Q. What time do they commence work? A. They commence work at eight in the morning or seven o'clock, and at noon they commence at one o'clock, but they get their ovens filled about half-past three.

Mr. MATTHEW MCGOWAN then stated he would like to be heard by the Commission.

The CHAIRMAN: Proceed, Mr. McGowan.

Mr. MCGOWAN: Mr. Chairman, I have listened to quite a lot of opposition to two or three clauses of the proposed foundry bill.

That is as to the smoke, steam and gas clause, and the other, which seems to be the hardest on the foundry men, they find the most fault with it, that is the cleaning of castings in other departments outside of the foundry. They object on account of the castings being heavy. That is the only fault that I hear mentioned here against the bill. Now, at Albany, at the hearing on this bill, it was stated there by the foundry men that that was practically the only clause that they had any fault to find with. The bill seemed to be all right for the foundry people, and I guess something like twenty of them were there at that hearing, that is, with the exception of the cleaning of the castings in the foundry, that is the big work. They claimed it was utterly impossible to do it otherwise with the big work. They failed to remember that they have to be gotten out of the foundry just the same, that the castings have got to come out, when they are cleaned they have got to come out. They are made to be shipped and they have got to come out of the foundry. At Hornell, New York, there is a foundry equipped with a drop curtain where the large castings are cleaned at the end of the foundry. The crane comes along, and they drop a canvas curtain from the ceiling. In that room the sand blast is used. That is an air pressure machine with a pipe connected with a nozzle attached to it, similar to a water nozzle, and that is squirted on the castings, and this sand is sharper a great deal than the regular moulding sand, and that cleans the castings. In that room where those sand blasts are used, the operator who works the sand blast is equipped with a hood and robe to protect him, and he uses a sponge, and so on. Some foundrymen may claim that you have got to clean the castings in the foundry, that it would be a detriment to remove them. That is true in some instances, but they forget that the moulder needs protection. Take me. I have been out of the foundry about three years, and I have not yet got out of me the black sand and dirt and the dust that has accumulated in the last twenty years. It is not all out of me yet. The statement was made that at Hornell, New York, they used a curtain there, a drop curtain. I also suggested having a partition put at the end of the foundry where the castings are cleaned, and that can be put in so that the crane can pass through the partition. In the street car barns

they have a rolled steel car curtain that incloses that part of the building after the car has gone in. The street car passes in without any trouble. The steel curtain can be operated, put in operation by a boy, I should think. That would separate the cleaning department from the moulder. It may be a hardship on some foundrymen to get the castings to the end of the shop, the other end of the shop, but I do not see where there would be any great expense attached to having a drop curtain of some kind. That was the only point of opposition that the foundrymen had at the hearing at Albany, and there were twenty-eight of them at the hearing, two from Syracuse. Mr. Frazier and also Mr. Cheney were there, and Mr. Frazier took the floor on behalf of the women employed in the core rooms. I believe, Mr. Chairman, the bill should prohibit the cleaning of castings in the foundries.

The bill demands a storm shed to prevent drafts getting into the foundry where the moulders are at work. If the same condition prevailed as prevails in Mr. Smith's shop to-day, there would be no chance to keep the drafts out of the foundry.

The CHAIRMAN: Do I understand you to say that a curtain might be placed so that it would be considered as a separate room?

Mr. McGOWAN: I believe if it was properly equipped and was not put up as a joke, if it was properly put up and could be handled properly. I believe a wooden partition of matched lumber and a drop curtain attached to that could separate the room, that part of the room from the other. Years ago we had no trouble of this kind about cleaning castings in the foundry. It is only recently that foundrymen have got into that. They have got so that they do not care what they do so long as they get the work out, whether they kill the moulder, or not.

The CHAIRMAN: How are the new foundries constructed? Are they an improvement on the old ones?

Mr. McGOWAN: They are an improvement. Mr. Van Norman has a shop that is not very old. It is well ventilated. I believe it has not been built over six or seven years. I guess it is one of the nicest shops in the city, but he seems to find a great deal of fault with cleaning the large castings.

Commissioner PHILLIPS: How long have you been a moulder?

Mr. MCGOWAN: I went into it in 1885.

The CHAIRMAN: What do you think, Mr. McGowan, of the suggestion of Mr. Van Norman that the moulder would be better off if he did not wash, if he went home in the clothes that he worked in, rather than if he washed up at the foundry, that he would be more apt to catch cold if he took a wash before leaving?

Mr. MCGOWAN: I disagree with Mr. Van Norman.

Mr. SHIENTAG: Mr. Van Norman said he did not think the moulders wanted the changes. He said they could take care of themselves.

Mr. MCGOWAN: Mr. Van Norman, that is wrong.

Mr. VAN NORMAN: You said I said I did not think the moulders wanted the bill. I simply said with regard to the wash-rooms that I did not think they would use them. In general they do not use them. I said they were already in some plants and were not used.

The CHAIRMAN: That was on a different matter.

Mr. VAN NORMAN: I did not mean to say that the moulders did not favor the bills; they certainly do.

The CHAIRMAN: What you did say was that the moulders did not need anybody's help.

Mr. VAN NORMAN: I said a good mechanic to-day, a moulder, did not need much legislation because he was more in demand than ever. I meant he was a man who was in demand, and he did not have to pray to anybody for his success.

The CHAIRMAN: Legislation is always needed to better conditions, even sanitary conditions.

Mr. SHIENTAG: All right, Mr. McGowan, go ahead.

Mr. MCGOWAN: As far as sanitary conditions are concerned, the washroom proposition: In Mr. Stearns' factory, where I started to serve my time, to learn my trade — I went there March

6, 1885 — there was practically everything in that building in that shop at that time that is required now. That was twenty odd years ago. We had running hot and cold water in that factory. We all had lockers and every man at that time used them. It would be safe to say that 90 per cent. of the moulders in Mr. Stearns' factory at the time I was employed there used those washrooms, and as they came out of there clean and fit to go on the street cars. I remember when I was working at the Strickland Engine Works coming down in the street cars, coming from work, the women would say the car was on fire; they smelled the smoke coming out of the men's clothes, and they got scared, and that was from the fumes coming from the moulders' clothes who were on the cars. The trouble with the foundryman to-day is that he does not educate the people to use them. The men who are not using the washrooms to-day are the foreigners, and they are not very much used to water anyway. They are not educated up to using them. That is wrong in my opinion. I can take you into the shop of the General Electric Company and the American Locomotive Company where there are proper facilities along those lines, washrooms, shower baths, and show you that 90 per cent. of the American moulders use those rooms. They have lockers and they have a chance to change their clothes. They leave the foundry on cold days in winter with dry clothes on them. The moulders in Syracuse here, they come out of the foundry here, smoking, wringing wet, with their underclothes sticking to them, and sometimes the weather is down to zero and they wait on the corner for a street car to come along, and possibly they wait sometimes as long as ten or fifteen minutes. That is what the moulder to-day is up against. Years ago we had those things, and the foundry man himself has dropped from those good conditions, and he has dropped so that we have had to apply for legislation. There is a demand for those bills and it is necessary for us to have legislation, we have got to have it. I was a little surprised at Mr. Van Norman, knowing conditions as he does. I know what we are up against to-day. I hope this foundry bill will stand as it is, and it ought to go through.

The castings can be cleaned all right, if they will follow out the suggestions of the little shop in Hornell, New York, where this curtain is used. If they think they cannot clean heavy work in a

separate department, let them look up that foundry in Hornell. I have been there. I heard about it at Albany. I had a representative there from that section, and he described it, and since then I went and visited the shop, and I find that the curtain goes very nicely. There is no dust to speak of, unless a little dust that the moulder makes himself, and I think the castings should be cleaned in a separate room.

MR. SHIENTAG: Are you familiar with the conditions in the Stearns foundry to-day?

MR. MCGOWAN: Only what I have heard.

MR. SHIENTAG: Can you satisfy Mr. Stearns why the foundry men to-day do not make use of the washing facilities?

MR. MCGOWAN: I have stated that the foundry man himself is to blame for that on account of the foreign element that goes into the foundries, as they are uneducated along the line of washing. The foundryman should insist on their making use of them.

Commissioner PHILLIPS: What percentage of the moulders are foreigners?

MR. MCGOWAN: That is impossible to answer. In Mr. Stearns' factory it must be about 80 per cent.

MR. STEARNS: I think so. I might add that it is difficult, almost impossible to get English speaking men to go into it. We do not prefer foreigners to English speaking people, but it is very difficult to get English speaking people to go into it.

Commissioner JACKSON: Do you pay the standard wages?

MR. STEARNS: It is principally all piece work. We have to pay what the other people pay. Our men make just as much as they do in the other shops.

The CHAIRMAN: Mr. McGowan, have you yourself visited lately any of the foundries in the city where women are working in coreroms?

MR. MCGOWAN: No, sir. Where the women are employed they are a little skeptical of me.

The CHAIRMAN: They do not allow you in?

Mr. STEARNS: We certainly should be glad to have you come at any time you want to.

Mr. MCGOWAN: I have been informed by the factory inspector as to Mr. Stearns' shop and I believe he should be asked in regard to Mr. Stearns' coreroom where they employ women.

Commissioner PHILLIPS: If you do not know yourself, let the person who does know tell it.

Mr. MCGOWAN: I understand things to be different from what he stated. I want to state this in regard to the core-makers, the women employed in this city and the foundries of this State. I want to state that employing women has but recently been brought about, been brought into the foundry industry in this State, and it is something that the moulder is opposed to directly. The moulders of this State are not looking for legislation along the line of the employment of women in corerooms. It is something that we are opposed to and we have all along been opposed to it, because we have had pictured to us in other States what abuses this leads to. In other States they started making small cores, just as they have started in Mr. Stearns' shop, making little bits of cores, but to-day what are they doing? They are making cores to-day in other States that are made under a crane. A derrick has to be used to hoist the core. They also use a rammer in making those cores. That is what will happen in this State if there is not legislation passed to prohibit it.

The CHAIRMAN: You are opposed to it? You think that the foundry is no place for a woman to work?

Mr. MCGOWAN: Yes. We know that the woman in the core room to-day is to be the mother of the next generation, and what can we expect from a woman pulled down and compelled to do the work that a moulder has to do. Perhaps the work will pay a dollar more, perhaps they will get a little more than they would for working in a store or for housework, but in my opinion it is no place where a woman should work. I have seen the foundry, I have seen the men in it, I have seen how they have to work,

and I do not think it is any place for women workers. The core making to-day is part of the moulding work. The core is the inside part. The man makes the outside part and the core is the inside part of the casting. It is not a separate business from the foundry. It belongs directly in the foundry. At Elmira I found an instance of a woman working directly with the moulders, a moulder and then a core maker, three men here, and three women right here (indicating).

Mr. SHIENTAG: What were they doing?

Mr. MCGOWAN: Making cores. It was so dirty and dusty that they had a little hood around their hair to keep the dirt away. It is hard to tell from a distance whether they are women or men until you get close up and you find naturally that those women are just as black as coal shovels and that is what we want to eliminate. I believe foundrymen know that it is unjust to allow women to work at such work. This is what it is going to lead to. They are not going to stop with the little sized cores. By and by they will be working with overalls, with a shover and a rammer, right in the foundry, the same as they do in other States. The Empire State of our great nation does not want to go on record as degrading itself by allowing women to work in this way. It is something I believe that the foundrymen should think over and get rid of these girl coremakers from the foundry.

Commissioner JACKSON: Do you know what the ages of the women are in Syracuse, working in the foundries?

Mr. MCGOWAN: They are generally husky girls, I guess pretty well along in years.

Commissioner JACKSON: You do not know how long they have continued as core makers?

Mr. MCGOWAN: No, I do not. I could answer for the Gould Manufacturing Company—I was there seven or eight years.

Commissioner PHILLIPS: Are they foreigners?

Mr. MCGOWAN: They are mostly Americans, some foreigners there, though. There has been a rapid increase in the employ-

ment of women in the core room, and if no legislation is passed to prevent it, I do not know where we are going to wind up. That has proved to be the case in other States, and it will be the same here.

Mr. CARLTON A. CHASE then further addressed the Commission as follows:

Mr. CHASE: In connection with bill No. 17, that part relating to the cleaning of castings in a separate room. Do I understand that the Commission considered changing it so that if the mills are connected with exhaust fans to take out the dust that the work can be done in the same room? There has been a good deal said this afternoon about cleaning big castings in a foundry. I want to know whether that can be approved by the Commission.

The CHAIRMAN: The Commission has not reached any definite conclusion upon that. We had that up at the other hearing, however.

Mr. CHASE: I think that point ought to be brought out that if it is in a room where other work is done, when the ventilation is satisfactory, there is no objection.

Commissioner PHILLIPS: Do you think it is possible to carry off the dust from those rooms?

Mr. CHASE: Yes, but the way this bill is, it would prevent it.

The CHAIRMAN: What do you think about the use of a drop curtain?

Mr. CHASE: I never thought anything about it.

Commissioner PHILLIPS: It is proposed to carry off the dust by exhaust fans where the cleaning is done in the main room, without being done in a separate room, is it possible to do that?

Mr. CHASE: I doubt it. That is another feature you want to bear in mind in having exhaust fans. If you take out the warm air upon the room, it will be cold to work in.

Commissioner PHILLIPS: Unless you can warm the air as it comes in.

Mr. ERNEST M. WILBUR was then called upon by the Commission.

By Mr. SHIENTAG:

Q. You are the factory inspector for this district? A. Yes.

Q. When did you last inspect Mr. Stearns' property? A. Two weeks ago.

Q. Tell us in a general way the conditions you found in the women's core room. A. On the day I visited the Stearns' foundry, I got there at a time when there were usually no employees in the core room. The women had left, I was told for the reason that some of the machinery had broken down.

Q. What time did you get there? A. I got there about eight o'clock.

Q. In the morning? A. Yes, in the morning, and I went through the shop, and then into the foundry and the core room.

Q. Where is the core room located, the women's core room? A. In the southwest part of the plant.

Q. Leading from the main floor by a stairway? A. By a stairway leading from the main floor of the foundry.

Q. To the core room? A. Yes.

Q. Is that the only way the girls can get out of the core room by the stairway? A. No, it is not.

Q. Are there any fire escapes, what other way? A. The core room is on the second floor, and there is an outside stairway, with a platform probably the length of this room. I am told that the girls enter the core room by that stairway and platform.

Q. When did you speak to Mr. Stearns about providing more adequate washing facilities? A. That was some time ago, previous to my last inspection.

Q. How long ago? A. Probably a year ago.

Q. What were the conditions that caused you to speak to him about providing more adequate facilities? A. The condition of the sink. Apparently, as he stated, it was not being used. He did make the statement, as he said on the stand.

Q. Why did you speak to him about providing more adequate facilities; were the washing facilities that he had inadequate? A. They were inadequate, yes.

Q. Is that why you spoke about providing more adequate facilities? A. Because I did not understand they were in such shape as they could be used. He demonstrated that they could be used.

The CHAIRMAN: What do you mean? There was no water coming out of the faucets, or what?

Mr. WILBUR: I did not see as there was any means of bringing water to the tank.

Mr. SHIENTAG: You did not try the sinks yourself?

Mr. WILBUR: Or that the pipes leading to the sink — I did not try the valves, for I did not see as there was any means or provisions for using them if they so desired.

The CHAIRMAN: You told him they were inadequate before you knew whether they were or not?

Mr. WILBUR: I was to a certain extent hasty in that action.

Mr. SHIENTAG: Then did he ask you to speak to the men in the foundry and find out whether they wanted washing facilities?

Mr. WILBUR: Yes.

Mr. SHIENTAG: Did you speak to the men?

Mr. WILBUR: Yes.

Mr. SHIENTAG: How many men did you speak to?

Mr. WILBUR: I should say in the neighborhood of twenty-five.

Commissioner PHILLIPS: Did you have an interpreter with you?

Mr. SHIENTAG: Did you speak to the Poles or the Americans?

Mr. WILBUR: I was speaking to those that I could speak with, the Americans who could speak English, and the ones I spoke to were in the eastern end of the foundry, and over on the southern end.

Mr. SHIENTAG: What did they say?

Mr. WILBUR: The general answer I received was that they did not want to wash. They preferred to wash at home.

The CHAIRMAN: Did Mr. Stearns say to you if you could get them to use it, if upon your inquiry it was shown that they would use the washing facilities he would put in more adequate washing facilities; was not that the proposition he made?

Mr. WILBUR: If I could find three that would agree to use the room, that he would place the room in such condition that no one would have any chance or cause to criticise it.

Mr. SHIENTAG: In the present condition of the room was there any room for criticism?

Mr. WILBUR: There was as I considered it when I first went to it.

The CHAIRMAN: He admitted it to you, Mr. Wilbur, and you could not get three men in the foundry to say that they would use the wash room?

Mr. WILBUR: In speaking with the ones who could speak English I found no one. I think I am safe in saying that I talked with at least twenty-five, or I went over about one-third of the foundry, talking with all of the men that could speak English in that department.

Mr. SHIENTAG: What did you ask them? Whether they would use this wash room; did you urge them to use the wash room?

Mr. WILBUR: I did.

Mr. SHIENTAG: And you could not get any result?

Mr. WILBUR: I found none of them would agree to use that wash room.

Mr. SHIENTAG: Did you want an agreement from them to use the wash room?

Mr. WILBUR: No more than a verbal spoken agreement.

Mr. SHIENTAG: Did you communicate that in your report to the Department of Labor?

Mr. WILBUR: I did not.

Mr. SHIENTAG: Why not?

Mr. WILBUR: I did not consider it necessary.

Mr. SHIENTAG: Was not that quite important, that they should make suitable provision for washing?

Mr. WILBUR: If the facilities they had were not used I did not see the need of more.

The CHAIRMAN: Mr. Wilbur, you are going to get yourself in trouble in a little while. If your inspections as to the sanitary conditions of factories are going to be based on whether or not those in the factories want particular improvements, the matter is not going to be so much a matter of law as it is the matter of the desires of a part of those working. You know that is not the object of the law. The public sentiment that is expressed in these laws decides that those things are necessary in order that the working man may be preserved in health, and sometimes a part of them have to be preserved in health against their own will, just as with children. Children would do things that are injurious to their health, although they do not think so. So, as the things that are to be improved, to be made better, that is not to be determined by the individuals themselves, or a part of them, as to what the law is. If that is your idea of a factory inspection, and determining the adequacy or inadequacy of the sanitary conditions you have been misinterpreting the law I imagine. Don't you think so yourself?

Mr. WILBUR: No, I do not think so.

The CHAIRMAN: If you went into a foundry where there were 250 people employed and if there were no washing facilities whatsoever, and if you asked the men employed whether they wanted washing facilities, and if they should say no, do you think you would be justified in saying as to that particular factory that they do not want any washing facilities?

Mr. WILBUR: No.

The CHAIRMAN: That is exactly the way you have put this situation.

Mr. WILBUR: The illustration that you give may mean that 200 or any number of people are working in a foundry. The law requires that there be a wash room.

The CHAIRMAN: That is the law.

Mr. WILBUR: And I consider that should be provided.

The CHAIRMAN: What sort of a wash room should be provided?

Mr. WILBUR: Well, my personal view is that there should be hot and cold water.

The CHAIRMAN: One faucet?

Mr. WILBUR: That depends on the method of supplying the water. In some foundries they are supplying the water to the large tank through one pipe or faucet, putting it into a common trough.

Commissioner PHILLIPS: How many wash basins are there there?

Mr. WILBUR: It is a common trough.

The CHAIRMAN: They were not separate individual basins?

Mr. WILBUR: I think I am safe in saying it was one common trough.

Commissioner PHILLIPS: So that if one man washed, he would wash in water that the other men were washing in?

Mr. WILBUR: That is my recollection?

The CHAIRMAN: Do you think that is compliance with the law?

Mr. SHIENTAG: Was there hot water there?

Mr. WILBUR: Facilities for hot water, yes.

The CHAIRMAN: Do you think that is compliance with the law where there is a trough, and one man would have to use the water that the other men use? Is not that one of the things that we want to avoid by the law?

Mr. WILBUR: I think it would be a very good thing to provide means whereby they have not got to wash in the dirty water that somebody else has washed in.

Mr. SHIENTAG: Has not the Commissioner of Labor issued orders of that kind in the case of foundries?

Mr. WILBUR: Individual wash basins?

Mr. SHIENTAG: Yes, and to provide hot and cold water.

Mr. WILBUR: I believe he has.

Mr. SHIENTAG: If these men in Mr. Stearns' foundry had told you that they would use the wash room, would not you have issued orders of that kind?

Mr. WILBUR: He already had the washstand.

Mr. SHIENTAG: If more than three employees in Mr. Stearns' foundry had told you that they would use these washing facilities, if they had made an agreement to use the washing facilities, would you not have ordered more adequate facilities for that foundry?

Mr. WILBUR: Not unless I found those already there were not sufficient.

Commissioner PHILLIPS: It was a common trough, you say?

Mr. WILBUR: I recall receiving no orders from the Department whatever that there must be individual washing facilities.

The CHAIRMAN: Did you yourself consider the washing facilities adequate, where a number of men, say one hundred men had to use the same water, had to wash under such circumstances that one would probably have to use the water that another used?

Mr. WILBUR: I have had to govern myself in that respect that they would have to be considered adequate under the present reading of the law.

The CHAIRMAN: What reading?

Mr. WILBUR: That the proper facilities be provided.

The CHAIRMAN: Then you call that proper? You see how easy it would be for anybody to run a factory under your interpretation of the law without doing very much to comply with the law. All they have got to do is to instruct the men to tell you that they do not want certain things, that they do not want fresh air, that they do not want good ventilation, that they do not want safety appliances, and under your interpretation, as long as they do not want it, the law does not require them to have it. That is carrying it to extremes, of course, but I do not think that is what the law means.

Mr. SHIENTAG: Have you investigated any violations of the Fifty-four Hour Law in this city?

Mr. WILBUR: I have.

Mr. SHIENTAG: And have you found any violations of the Fifty-four Hour Law?

Mr. WILBUR: I have found violations of the Fifty-four Hour Law.

Mr. SHIENTAG: What have you done?

Mr. WILBUR: I have made my regular inspector's report on violations to Albany. The order has been issued to cease those violations.

Mr. SHIENTAG: Don't you prosecute for the violations of the law?

Mr. WILBUR: When ordered to do so from Albany.

Mr. SHIENTAG: Did you not get any orders from Albany?

Mr. WILBUR: The orders were issued to the employers to immediately cease any violations, or cease employing women over fifty-four hours in any one week and over nine hours in any one day.

The CHAIRMAN: That is, after the violation had taken place?

Mr. WILBUR: Yes.

The CHAIRMAN: You see to it that they do not violate the law after they have violated it?

Mr. WILBUR: That is the procedure. Those orders are issued from Albany requiring me to revisit the plant, and to examine carefully and see whether those violations have continued since the order was issued.

Mr. SHIENTAG: What do you do when you find a boy between fourteen and sixteen years of age working in a factory over hours? Do you prosecute the proprietor of the factory for a violation of the Child Labor Law, or do you just send him a notice not to employ that child after hours?

Mr. WILBUR: I revisit that factory inside of a few days, within a few days, after five o'clock or before eight o'clock, and see if the violation is continued.

Mr. SHIENTAG: To see whether the same boy is employed in violation of the law afterwards—is that right? And if you find the same boy is employed in violation of the law, do you prosecute the employer?

Mr. WILBUR: Yes, sir.

Mr. SHIENTAG: Suppose you find a different boy employed in violation of the law the second time?

Mr. WILBUR: I have not found any case of that character.

Mr. SHIENTAG: Do you think that is the proper method in case of a violation of the Child Labor Law?

Mr. WILBUR: I have had to follow my orders and instructions from Albany, and I have followed them implicitly.

Mr. SHIENTAG: You mean to say that where you have found a child fourteen to sixteen years of age illegally employed, you receive an order, not to prosecute but to send the proprietor an order to cease violating the law?

Mr. WILBUR: I do not issue those orders myself. I report this factory to Albany, the same as they do in any other part of the State.

The CHAIRMAN: How many cases have you prosecuted in this city during the last year for violation of the Child Labor Law

to the point of going into court and attempting to secure a conviction, from your recollection?

Mr. WILBUR: I remember but one. That was during 1911-12 — perhaps there may have been more. I do not remember. It was the early part of the year.

The CHAIRMAN: How many violations of the Fifty-four Hour Law since October 1st have you reported to the State Department?

Mr. WILBUR: Well, several.

The CHAIRMAN: How many would you say?

Mr. WILBUR: There have been many violations of the Fifty-four Hour Law since the first of October.

The CHAIRMAN: There have been many?

Mr. WILBUR: Yes, there have been many.

The CHAIRMAN: And you reported them all?

Mr. WILBUR: I have, yes. I am expected to report those violations in the course of my regular work, and I had supposed that the Commission understood the method of procedure in the issuing of the orders from Albany. Wherever a violation was discovered the inspector was called upon to revisit the plant again.

Mr. SHIENTAG: The Commission did not understand that that was the case in violations of the Child Labor Law, or of the law with regard to the hours of labor for women, and we know as a matter of fact that that is not the case in New York city. When an inspector of the State Labor Department finds a child illegally employed in New York city he does not issue an order to the employer to desist from further violating the law, but he prosecutes for a violation of the law.

The CHAIRMAN: He applies for a warrant at once.

Mr. SHIENTAG: The same law applies here. There is a different interpretation of the law.

Mr. WILBUR: I would like to differ very much with you on that point.

The CHAIRMAN: As to what, the question of the procedure in New York city?

Mr. WILBUR: Our violations are reported, and I have not brought any case in court without direction from the Albany office.

Mr. SHIENTAG: We are not blaming you, but we want to get at the facts.

The CHAIRMAN: We want to see how the thing goes on. Cannot you recall how many violations have been reported of the Fifty-four Hour Law since October 1st. That is only a little over a month?

Mr. WILBUR: About the middle of October I was requested to inspect a certain class of factories. The employees of those factories were working Saturday evenings, and quite a number of violations were discovered, and I have not found on my second visit to those places any violations of the Fifty-four Hour Law where I found them the first time.

The CHAIRMAN: Did the employer know you were a factory inspector when you visited the place the first time; did you converse with him?

Mr. WILBUR: The majority of them.

The CHAIRMAN: And you talked with them about violations of the law?

Mr. WILBUR: I explained to them, and many of them did not consider, until I did visit their places, that they were under the restrictions of the Factory Law.

The CHAIRMAN: You had never visited them before?

Mr. WILBUR: They were millinery shops.

The CHAIRMAN: You had never visited them before?

Mr. WILBUR: I have not visited as many in the outlying districts as previously.

Commissioner PHILLIPS: Do you know of any foundries where they supply individual or separate wash basins for the men?

Mr. WILBUR: In Mr. Smith's, I think.

Commissioner PHILLIPS: Do the men use them there?

Mr. WILBUR: I think very little.

Dr. DAVID M. TOTMAN was then called upon by the Commission.

By Mr. SHIENTAG:

Q. You are the Health Officer? A. I am.

Q. Have you made inspections of bakeries, or have you caused inspections to be made of bakeries? A. Such inspections have been made, and I have made some myself.

Q. What conditions have you found yourself? A. In some bakeries I found the sanitary conditions were good, and in others I found the conditions were poor, bad.

Q. When you say bad, will you tell us a little more in detail what the conditions were? A. The conditions were such that the material that had been baked was not properly cared for after it was baked, lying around on the floors, where the cats and dogs had access to the materials, some of it.

Q. What about the sanitary conditions, the cleanliness of the water closets, the cleanliness of the bakeroom walls? A. I generally found the bakeroom clean. The walls were whitewashed and clean. Some of the bakeries were in cellars and basements.

Q. How many of the bakeries in Syracuse were in cellars approximately? A. I could not tell you.

Q. About how many? A. There are a good many bakeries in basements and cellars.

Q. By a cellar I mean more than half below the level of the street? A. I could not tell you the number.

Q. The bakeries that you found poor were mostly cellar bakeries? A. Not all of them.

Q. Most all of them? A. Yes; perhaps most of them.

Q. Have you had occasion to close up bakeries within the past year? A. Yes, sir.

Q. How many, have you any idea? A. I could not tell you. Recently some of them have been closed.

Q. Why? A. On account of being in cellars, unsanitary conditions.

Q. Were the conditions remedied? A. Yes, I think they were. I think some of them are being remedied now.

Q. Where they are being remedied the bakeries are still closed, are they not, or do you remove the seals as soon as they show an intention to comply with the law? A. I could not answer that question.

Q. Have you seen the Commission's proposed bill with reference to bakeries? A. I have read over the bill, and it appears to me that the enactment of the bill and the carrying out of it would solve many of these questions. I approve of the bill.

Q. Do you think cellar bakeries ought to be prohibited in the future? A. Yes, sir, I do.

Q. Why? A. Because I do not believe it is possible to have a cellar bakery properly ventilated and kept in sanitary condition.

Q. The tendency in cellar bakeries is to be dirty nearly all the time? A. Yes, sir; that is my observation.

Q. What do you say about the examination of the bakers? A. I should say that would be a very proper thing and a very necessary thing. Unhealthy, sickly people should not be allowed to work in the bakeries.

Q. Do you think it would be a hardship to prohibit cellar bakeries in the future? A. No, I should not think so. Anything that would be for the betterment of the general public health would not be a hardship.

Q. You have charge of the physical examination of children under the State law, have you not, before a working certificate is issued? A. Yes, sir.

Q. How does the law work out? A. It is working out well so far as I know about it.

Q. Do you know the number of applications that have been rejected in a general way, the proportion? A. No.

Q. You have rejected some, have you not? A. Yes, I think that is true.

Q. Can you send us those statistics? We would like very much to get them, because the Commission recommended that law and want to know whether it ought to be extended? A. I think those could be obtained.

Q. What do you do with reference to the inspection of mercantile establishments? A. We have in connection with the Bureau of Health men engaged all the time in mercantile inspections.

Q. Do you not think in cities of the second class that there should be under the jurisdiction of the State Department of Labor? Or do you think that is a department of health function? A. That would be difficult for me to state.

Q. What is your personal opinion? A. It is an important function and should be done properly.

Q. You cannot do it properly with one inspector? A. No.

Q. Will you consider that question as to what department should be charged with the duty of enforcing the mercantile law in cities of the second class and let us have your opinion in writing within a week? A. Yes, sir.

Mr. ALLOIS SCHILLER then stated he would like to be heard by the Commission.

By Mr. SHIENTAG: Q. What is your business? A. Baker.

Q. Have you a cellar bakery? A. No, sir.

Q. Have you seen the proposed bill of the Commission that has been issued for the improvement of conditions in bakeries? A. Yes, sir.

Q. We would be glad to hear your views on it? A. One part of this bill I object to is where you eliminate the hotels, restaurants and boarding houses.

Q. You do not think the bill goes far enough? A. I think they should be included.

Q. There is a difference recited there between a kitchen in which food products are prepared for consumption on the premises and the kitchen in which food stuffs are prepared for public

sale outside of the premises? A. Whether it is a bakeshop or a large hotel it is practically the same.

Q. Under the present provisions of this law any of the food products prepared in a hotel bakery that are to be sold outside of the premises of the hotel would come under the proposed law?

A. I understand that but they are preparing food just the same as the baker is.

Q. That is the present exception in the law? A. Why is it excepted?

Q. That is the distinction that was made; we would like to have your views on it. A. They are preparing food for the consumption of the people, and if it is a detriment to manufacture food-stuffs in a basement, why is not it a detriment to the public to have meats and vegetables cooked in that way for the hotels? They are used by the people.

Q. There is a clause here prohibiting the employment of bakers unless they submit to a medical examination. What do you think of that provision? A. I believe that is a good thing. That should be done. I heartily approve of that. There is another provision there for licensing bakeries.

Q. Yes. A. I do not know why a license should be issued for baking. Does the Commission feel that if they issue a license for baking the bakers will clean up?

Q. The Commission feel that issuing a license to bakers will keep the department having authority more closely in touch with the baker and the conditions in the bakery. A. We believe that there should be more inspection. We are heartily in favor of a clean shop.

Q. Are you not inspected frequently enough? A. Well, yes and no. I have been this summer. I have had a number of calls both from the local authorities and the State authorities.

Q. And before this summer? A. About once in six months.

Q. How often do you think bakeries ought to be inspected? A. I do not think that bakeries ought to be inspected any more than once a week.

Q. You mean any less than once a week? A. Any less than once a week, yes.

Q. Are there any other matters in the bill that you would like to call attention to; how about the prohibition of cellar bakeries?

A. I do not really believe that bakeries should be allowed in cellars in the future. I believe the ones there should be protected.

Q. Do you think it would work a hardship on the bakers to prohibit the future use of cellars as bakeries? A. The future use?

Q. The use of cellars for bakeries in the future; that is, not to interfere with the existing cellar bakeries? A. That is the way I understand it, that in the future there shall be no more cellar bakeries.

Q. If no new bakery were permitted to operate in a cellar do you think that would work a hardship? A. I do not think so. Not in this particular section that I have come in contact with.

Q. Would it increase the cost of manufacturing? A. As a whole?

Q. Yes. A. I presume that it is likely that in a large city it would create an expense that they do not have now.

Q. You think it would increase the price of bread? A. I certainly do.

Q. To what extent, have you any idea? A. That I do not know. I have not any idea what the expense of an additional store in a large city would be.

Q. It simply means that instead of being in a cellar it would be in a basement; that is any place more than half above the level of the street? A. That would not prohibit the basement bakery?

Q. No, it would not prohibit the basement bakery. A. What is a cellar?

Q. A cellar is a place more than one-half below the level of the street. A. That is a cellar?

Q. That is a cellar under the definition of the Labor Law and the Tenement House Law. It would not prohibit the use of a basement. There is a distinction in the law between a cellar and a basement. A. In that case it would not increase it.

Q. But you think if they had to go up to the store on the first floor it would increase the cost? A. I certainly do.

Q. Is there anything further about that bill? Have you any objection to a license being required for a baker? A. Yes.

Q. Why? A. I do not see why there should be any required.

Q. It simply means that a thorough inspection will be made by the State Department before a baker is permitted to continue

business; undoubtedly that would have a good effect? A. Why could not the Labor Department make a thorough inspection and issue a certificate?

Q. A certificate,—you think a sanitary certificate should be issued? A. Yes.

Q. That is a matter that the Commission has under consideration. Do you think that there is anything objectionable in the requirement of a license? A. I cannot see why a baker should be licensed to manufacture bread. I cannot see any reason why he should be licensed any more than any other business man.

Q. In the city of New York they license milk dealers and the grocery stores that sell milk to insure the purity of the milk. A. I do not see any reason why they should. They have a license in Syracuse to peddle milk, but nothing more than that, a street license.

Q. All right. We will be very glad to consider that. Are you familiar with the conditions of bakeries in Syracuse? A. In a way, yes.

Q. How do you find the conditions? A. I can answer that in my own way. I would rather answer in my own way. The bakeries that I have called upon are the people who are in the baking business, those that I have come in contact as a rule, those are in good condition. They are kept up, they are all right.

Mr. EUGENE ADAMS then stated he would like to be heard by the Commission.

By Mr. SHIENTAG:

Q. Whom do you represent? A. The Bakers' Union of Syracuse.

Q. How many members have you? A. Eighty-six.

Q. Have you seen the proposed bill? A. I have.

Q. We would be glad to hear you on it. A. In general I have no objection to the bill. I do not object to any improvement of the condition in the bakeries. I do make a protest against the way they are enforced.

Q. You do not think the present law is enforced? A. No.

Q. Will you tell us a little more in detail in what way the law is not enforced? A. Conditions in bakeries and bake shops in Syracuse are generally fair. That is, as far as the shops are concerned. We have Italian and Jewish shops. The Italians are organized, the Jewish are not, and conditions there are very bad.

Q. When you say conditions are bad, tell us what you found? A. I have found that the shops have not been swept for two weeks, dirt on the floor over one and one-half inch thick in certain shops in the city. The conditions got so bad that the board of health had to close up some of those shops only a few months ago. Therefore I can say that the law has not been enforced.

Q. What does the State Factory Inspector do? A. I do not know what he does do. He seems to make recommendations, but they are not lived up to.

Q. Does he not prosecute the master baker for not complying with the law? A. There have been no prosecutions in Syracuse recently, so far as I know.

Q. Within what period of time do you mean? A. A period of time within a year and half or so.

Q. Are you working in a bakery? A. I am a baker by trade.

Q. How long have you been a baker? A. Twenty-two years.

Q. How long have you been in Syracuse? A. Sixteen years.

Q. How often have the factory inspectors come to inspect? A. Usually about once a year.

Q. And when they issue orders you say they are not carried out? A. He does issue orders, yes.

Q. What becomes of the orders? A. I do not know what became of the orders.

Q. Do they comply with the orders? A. Sometimes they do, when they feel like it.

Mr. JOHN F. RAUSCH then stated he would like to be heard by the Commission.

By Mr. SHIENTAG:

Q. Whom do you represent? A. I wish to speak on cellar bakeries. I have a cellar bakery myself. I call it a basement bakery; it sounds a little better to me.

Q. Is it more than half below the level of the street? A. It is.

Q. All right, go ahead. A. I have not seen any of the cellar bakeries in the City of New York. I have heard quite a little of them, and I believe that some of those cellar bakeries are in very bad condition. The farther you come up State I believe the conditions in the bake shops are better. I am situated about the same way as the bakers in New York who are in the heart of the city and between two walls. Now because some of the cellar bakeries are in such bad condition, I do not see any reason why all cellar bakeries ought to be condemned throughout the State.

Q. We are not condemning existing cellar bakeries. We simply say in the future no baker will be permitted to open a bakery in a cellar. We are not interfering with existing business. A. This basement is in as good condition as it possibly can be. Of course it will not look as clean as the office of a doctor.

Q. That is not expected. What is the objection to prohibiting the use of a cellar in the future for a new bakery? A. That means in years to come there will be no bakery in the heart of the city. They will have to move to the outskirts on account of the extra expense.

Q. On the contrary, that means that instead of erecting buildings with cellars in the future they will have buildings with basements. That is the basement will be more than half above the level of the street. A. And steps up into the store?

Q. Yes. It would not be a cellar if it would not be more than half below the level of the street. A. I have a clipping here from a newspaper, dated last February, and it deals with cellar bakeries.

Commissioner JACKSON: What newspaper?

Mr. RAUSCH: One of the local newspapers in Syracuse here. This was a Syracuse affair. It says here that a baker need not have his bakery decorated with marble or tile—that was at the head of an article from our local health department, Dr. Totman.

By Mr. SHIENTAG:

Q. Dr. Totman a few moments ago said that cellar bakeries ought to be prohibited in the future. A. I do not see any reason

for it, if they are kept clean and in sanitary condition. There is a hotel in New York, the Belmont, and they went down some fifty feet under the sidewalk, five or six floors down. They have several hundred people employed below the sidewalk, and I presume they have good ventilation by means of fans, but I doubt very much whether every corner is ventilated.

Q. What ventilation have you in your bakery? A. We have excellent ventilation. Two front windows, a window opening in the back from the kitchen and the back door is always open, so much so that I am always scolding about the draft that goes through it.

Q. How many men do you employ? A. I have in all eleven men.

Q. Is your cellar bakery in a tenement house? A. It is in a block.

Q. Is it a tenement house? A. It is not.

Q. What is the building used for? A. For offices, and there are two or three families, I believe, that live upstairs.

Q. Two or three families living upstairs? A. Yes, sir.

Q. Are there any other provisions of that bill that you want to speak to the Commission about? A. Mr. Schiller mentioned the sentiment of the bakers here against licensing. I am not in favor of a license.

Q. Why? A. It means an expense.

Q. What expense does it mean? A. This bill does not say how much the license fee will be.

Q. There will be no license fee. A. At the present time I pay a five dollar ice cream license fee, and I presumed that the license fee might be five, or it might be a hundred, or it might be five hundred dollars.

Q. It simply provides that there shall be a license issued. There will be no license fee. A. I did not understand it that way.

Q. Have you any objection to the license now? A. Not now, no.

Q. All right. A. Money is quite a factor.

Q. Is there anything further? A. I did not understand that there would not be a fee. I interpreted it that there would be a license fee.

Q. No, there is no fee; there is nothing in that that authorizes any fee. A. Then I do not object to the license. My opinion was that there would be a fee.

Q. You do not object to the license if there is no fee attached to it, Mr. Schiller? A. No, I understood there would be a fee attached to it.

Mr. HOWARD BUELL then stated he would like to be heard by the Commission.

By Mr. SHIENTAG:

Q. Whom do you represent? A. The Waldorf Manufacturing Company.

Q. We would be glad to hear you. A. I am particularly desirous of bringing to your attention bill No. 5 the limitation of the number of occupants. No more than fourteen persons shall be employed or permitted to be employed on every floor or every eighteen inches' width of stairway provided for such floor. This seems to me to be wholly inadequate, the number of people permitted to be employed in a building with that width of stairway.

Q. How many stairways has your building? A. One stairway.

Q. How wide? A. Forty-seven inches.

Q. Have you got an automatic sprinkler? A. No, sir.

Q. An outside stairway? A. No outside stairway, but two fire escapes.

Q. How high is this building, how many stories? A. Four stories.

Q. How many people do you employ on the first floor? A. Only a few on the first floor, that is the salesroom.

Q. How many on the second floor? A. In the dull season perhaps ten or twelve. In the busy season there might be thirty.

Q. How many on the third floor? A. The operating floor, in the dull season, probably sixty, and in the most extremely busy season perhaps one hundred and twenty or one hundred and twenty-five.

Q. On the fourth floor? A. That is the cutting room. fifteen. Those are approximate figures. As I figure this out, there are on our operating floor, where we have the most people, we would be limited to thirty-seven people.

Q. What is the size of this building? A. About 70 x 100, if I remember rightly.

Q. Where is the stairway? A. The stairway comes in from the street, on a corner.

Q. It is not in the center of the building? A. No, sir, and opposite the fire escape.

Q. Do you think it would be safe to have 125 people on the third floor of that building without an automatic sprinkler; what is your business? A. Making ladies' shirtwaists.

Q. That is highly inflammable material. That is the business they were engaged in in the Triangle Waist Company building? A. Yes.

Q. You say you have 125 people on the third floor of that building, during a busy season, with one stairway? A. One stairway and two fire escapes.

Q. One interior stairway? A. Yes.

Q. That stairway is a wooden stairway? A. Yes.

Q. Uninclosed with fireproof walls? A. Yes, sir.

Q. Do not you think that is inadequate? A. I do not, no, sir. Our fire drills show that we can clear that building in from three to five minutes.

Q. When did you have a fire drill there? A. Within two or three weeks.

Q. Did Mr. O'Hara supervise that fire drill? A. I do not know.

Q. Is Mr. O'Hara here? A. Yes, sir.

Q. Did you supervise that fire drill at the Waldorf Manufacturing Company establishment?

MR. O'HARA: No, I did not.

Q. What do you think you ought to do? Don't you think you ought to have an automatic sprinkler in that building?

MR. BUELL: We would like it very much, but we do not own the building.

Q. The building is 70 x 100. In a building 70 x 100 in New York city, there would be at least two interior stairways, irrespective of the height of the building. A. Well, I do not

know what they require in New York; they do not require it here. Of course, we have never had a fire, have had no actual experience, except with the fire drills. This time of year perhaps we do not have over forty or fifty people.

Q. That is the same situation they had in the Triangle Waist Company building? A. Their doors were locked. Our doors are never locked.

Q. Their doors were never locked according to the sworn testimony they gave? A. That may be true about their testimony. Under this condition we have to have four stairways, and then if we had to comply with the rules we would have to have them surrounded by a fireproof wall.

Commissioner JACKSON: I think if the Waldorf Manufacturing Company is doing a good business, requiring that number of employees, they ought to get other quarters.

Mr. BUELL: We have got to be downtown.

Commissioner JACKSON: I do not think those conditions ought to be tolerated as far as safety to life is concerned.

By Mr. SHIENTAG:

Q. It is all right to have forty people on a floor, but when you get one hundred and twenty-five people, that is too many. You ought to have a sprinkler system. A. We are only tenants. We do not provide them. We do not own the building.

Q. What are these people going to do in case of fire? A. There is no trouble in getting out.

Q. When did you have a fire drill? A. Within a month.

Q. How many people did you have employed at the time of the fire drill? A. Forty or fifty.

Q. That is all right, that is not so bad; but when you try to get one hundred and twenty-five people on a floor how will you find that the fire drill works, Mr. Buell? There is a big difference between 40 and 125 on a floor. A. Well, I do not know. Of course we have not had a fire drill for any length of time. There has been no requirement for it.

Q. Is it not reasonable to suppose that there will be a marked difference in the operation of the fire drill with that many people? A. No doubt we can clear the floor in five or six minutes.

Q. Five to six minutes in a shirtwaist factory, that is a long time, you know. A. I do not think so; we have two fire escapes.

Q. Do you think the girls would use those fire escapes in case of fire? A. I have not any doubt of it.

Q. It has been demonstrated to us that they have not used them? A. It is the ladder fire escape.

Q. I know it is. A. Inclined steps.

Q. It is not a stairway. Of course if you had an outside stairway, two outside stairways, then the building would come within the requirements, because of the fact that the bill makes an allowance for an outside stairway. A. There is no opportunity to have an outside stairway on the building.

Q. The thing for you to do in your building, if you want any advice, is to put a fire wall there and put a stairway on either side of the fire wall, and then you would be safe. A. We better go out of business then.

Q. You had better not employ one hundred and twenty-five people on the third floor of that building. You are taking chances when you do it. That is one of the things that we want to guard against in a law of this kind. How many people do you think you could employ with safety? A. I think we could employ two or three times as many as this allows.

Q. Then you would allow about sixty? A. That would allow about twenty-eight to each 18 inches. Fourteen is a pretty small allowance. It would be a hardship.

Q. I think Assemblyman Jackson's suggestion is the only one. You have outgrown your present quarters. Anything further?

Mr. BUELL: That is all.

Mr. PATRICK O'HARA was then called by the Commission:

By Mr. SHIENTAG:

Q. You are inspector in the fire department? A. Yes, sir.

Q. We will be very glad to hear you? A. There is one thing I would like to call your attention to, that is in regard to the factory bill, where it calls for every factory employing twenty-five people about the ground floor. Take the second floor of a build-

ing where there are twenty-five or thirty husky machinists working and they have to have a drill. Then going to the seventh floor of another building, there may be twenty-four girls working there, and they do not have to have any drill. These girls are not protected at all. I think there should be some way of protecting those girls who are up seven stories when the machinists are protected who are on the second floor. That is one thing I would like to bring up.

Commissioner JACKSON: Have you seen this new bill; that is all changed.

Mr. SHIENTAG: Every factory building over two stories in height irrespective of the number of people employed.

Mr. O'HARA: There is another thing. They must notify the chief or the commissioner of public safety when they are going to have a drill so that the chief or the commissioner could send a man to inspect the drill and offer suggestions.

Mr. SHIENTAG: How about putting it the other way around and have the chief send an inspector and the inspector requiring a drill to be had in his presence?

Mr. O'HARA: That is practically the same thing. If the manufacturer sends word to the chief when he is going to have a drill he can have an inspector there to see it.

Mr. SHIENTAG: How long have you been in the fire department?

Mr. O'HARA: Thirteen years.

Mr. SHIENTAG: You are familiar with buildings in this city in a general way?

Mr. O'HARA: In a general way, yes, sir.

Mr. SHIENTAG: Have you ever been in the Waldorf Manufacturing Company's building?

Mr. O'HARA: Yes, we have been through it.

MR. SHIENTAG: Do you think it is safe to permit one hundred and twenty-five people to be employed on the third floor of that building with that one wooden stairway?

MR. O'HARA: They have more than one way of getting out of that building.

MR. SHIENTAG: They have two outside fire escapes and one wooden stairway.

MR. O'HARA: One wooden stairway, and another wooden entrance that runs across like a bridge into another building.

MR. SHIENTAG: Mr. Buell did not make any mention of that fact. Does that connect with every floor?

MR. O'HARA: No.

MR. SHIENTAG: To what floor does it connect?

MR. O'HARA: I could not say, I think it is the third. I am not positive.

MR. SHIENTAG: He is perfectly safe, if he has a construction of that kind, and the doors are open.

MR. O'HARA: That bridge is probably twenty-five feet long.

MR. SHIENTAG: Wood?

MR. O'HARA: Yes.

MR. SHIENTAG: It could be covered with sheet iron?

MR. O'HARA: Yes.

MR. SHIENTAG: That would not be very expensive.

MR. O'HARA: It could be covered with sheet iron, and an automatic door put on.

MR. SHIENTAG: Mr. Chairman, I should like to file the statement sent by Mr. Richard Curran of the Moulders' Union of Rochester, who appeared before the Commission in that city, setting forth the names of the members of the Moulders' Association who had died during the last year, the causes of their death, and

the amount of sick benefits paid by the Moulders' Association to its members last year, and the illness of the members that occasioned such payment.

(Said statement is received and placed on file.)

The CHAIRMAN: Is there anybody else who wants to be heard in regard to these bills?

(No response.)

The CHAIRMAN: The Commission stands adjourned to meet in the city of Utica, to-morrow, at 10:30 A. M.

Adjourned to meet on December 12, 1912, at 10:30 o'clock A. M., in the common council chamber in the city of Utica.

HEARING OF THE STATE FACTORY INVESTIGATING COMMISSION, UTICA, NEW YORK, DECEMBER 12, 1912, COMMON COUNCIL CHAMBER, 10:30 A. M.

The CHAIRMAN: The Commission will come to order.

Mr. SHIENTAG: These hearings are being held for the purpose of giving all concerned an opportunity of expressing their opinion on the proposed legislation. After they have gone over the bills we are giving them an opportunity to make such suggestions and criticism as they think proper. The bills are merely in tentative form. They have not been approved in any way by the Commission. We have followed this practice of giving the manufacturers an opportunity to be heard on these bills in the different cities of the State. We think they ought to know what is being considered, they ought to help us in every possible way to get legislation that will accomplish results, that will secure the safety of the employee without being burdensome upon the manufacturer.*

Mr. JOHN D. KERNAN: I appear for the Employers' Association.

Mr. SHIENTAG: For the purpose of the record, will you tell us what the Employers' Association is and how many members it has?

Mr. KERNAN: It consists of thirty-seven manufacturing concerns located in Utica. We will furnish you with a list of them.

I approve very heartily of what was stated just now in regard to discussing the various matters brought up in these proposed pending bills with a view to the safety of the employees and improving the working conditions in general, and I have a few suggestions to make as to some of the bills, of which we were furnished copies, and about them I will speak. There is no objection to bill No. 1. On bill No. 2 I want to make a general statement in regard to the various mills in Utica here. I think that practically all the mills now are preferred risks for insurance. There are

*The tentative bills referred to are at the end of this volume.

none more than five stories in height, and I think all are equipped with the most approved system of devices, sprinkling systems. They are insured principally with the Mutuals of New England, and the rate of insurance is very small indeed.

Mr. SHIENTAG: Of course, Mr. Kernan, the Mutual Insurance of New England is not so much concerned with saving human life as it is in saving property.

Mr. KERNAN: I think they are interested in it both ways, for this reason. I have had a letter from them in regard to one of the risks in Utica only this morning. That report concerned a certain explosive of some kind, and they took it up relative to the danger of that particular apparatus used in the factory itself. I think that they consider that anything that causes loss of life in a building would also cause loss to them, and they take it up along both lines. They are most particular in every respect as to all methods, and as to every detail relative to a fire hazard, whether it has to do with loss of life or loss of property.

Now, on that bill No. 2; I think that the bill is too drastic with reference to the alarm system, especially in mills which are equipped in the way in which our mills are equipped, and I would suggest that you except from that bill risks which are sprinkled, and have more than one supply of water. Now, a sprinkled risk, with more than one supply of water is a risk where it is almost impossible for a fire to spread so quickly that all of the employees in that building cannot get out. We have never had any loss of life that I can recall here since these risks went into effect.

Assemblyman JACKSON: Do you speak of an exception both as to the fire alarm signal system and as to the drills also?

Mr. KERNAN: I was speaking particularly now as to clause No. 1. I will cover clause No. 2 later. That is what I was going to say in general as to clause No. 1.

That system of establishing gongs in every part of the building — that means a great many of them.

Mr. SHIENTAG: We are not going to limit it to gongs. Anything that would serve as a signal device and would serve the purpose will be sufficient.

Mr. KERNAN: The difficulty with it is that in putting it the way you do, they have to put them in so many different places.

Mr. SHIENTAG: On each floor of the building; would it be too much to require a system to be placed on each floor?

Mr. KERNAN: I think so. Some of the factories here would have forty floors for the establishment of those gongs, taking the different buildings they have. They would have to establish an entirely new system or device for all of those floors, and those are very modern factories. A whistle, such as is used for starting and stopping work, it strikes me would be a sufficient alarm. It strikes me you are requiring too much when you say they should be located on each floor, or within each separate room, where more than one factory is located on a single floor.

Assemblyman JACKSON: That is where it is over two stories high.

Mr. KERNAN: They are all over two stories. I do not think any of them are over five stories in height. In other words, you are taking all factories where they have paid every possible attention to the fire risk, and put them in the same class with the worst kind of a fire trap. I think that some exception should be made on sprinkled risks. I am quite willing to have quite a drastic provision, where they are, we will say, buildings over six stories in height, but they are different from a sprinkled risk. You ought not to provide practically a city alarm system where they would have to have perhaps forty different alarms in some of the factories.

Mr. SHIENTAG: That would not be required. All they have to have is one system in each building. The bill reads in each factory building.

Mr. KERNAN: Located on each floor of the factory building?

Mr. SHIENTAG: Yes.

Mr. KERNAN: Suppose you have eight or ten different factory buildings?

Mr. SHIENTAG: You will have to have a system for each factory.

Mr. KERNAN: I mean one system. I think that one in each building would be sufficient.

Mr. SHIENTAG: You would be in favor then of having some general device that would notify the occupants of the building of a fire?

Mr. KERNAN: My idea is that a whistle device would in general be best for that. It used to be all they had in the small cities before they got the fire alarm device. That is about all they had. Years ago they just had a fire alarm bell to call out the fire department, and I think you are going now a step further than is necessary in requiring these devices to be installed.

Mr. SHIENTAG: Are any of these devices installed in this city, fire alarm signal systems?

Mr. KERNAN: I have not inquired as to that. My point is that there is no need for requiring a new installation of a fire alarm system in every factory. It means a tremendous cost, and I do not think it is necessary.

Mr. SHIENTAG: Perhaps a whistle would serve. Perhaps that would serve in your case, if a proper system of signals can be arranged.

Mr. KERNAN: They can be arranged; some rules or regulations on that would be perfectly satisfactory to us. Some sort of a system for giving a general fire alarm, but the trouble with those sort of things is in getting the employees to leave them alone, and I am very much afraid that they would be misused. They might cause more harm than good.

Assemblyman JACKSON: What do they use now when they have a fire drill?

Mr. KERNAN: I think it is a whistle.

Assemblyman JACKSON: Do they hold fire drills usually in the factories?

Mr. KERNAN: I presume they do so. I have not inquired about that. It is in the general law, and I presume they do.

As to the second point brought up in the second clause of that bill, it strikes me that increasing the fire drills from once in three months to once a month is unnecessary with the approved risks. I make the same suggestion with regard to that clause that I made with regard to the first clause, that you leave the law the same as it is, once in every three months where the risk is approved. That is, where a risk is a sprinkled risk, and then I also make the suggestion here, since a demonstration of this fire drill shall be given at the request of a representative of the fire department, I suggest that this be added: "But in no event shall a fire drill be required more than once in three months." Suppose they had a fire drill one week, and a representative should come in the next week and want another, and another representative should come in the next week, that would keep them pretty busy drilling.

Mr. SHIENTAG: I think we can rely upon the reasonable discretion of the officers; they have not abused it yet.

Mr. KERNAN: But this is the general law, and I would like some limit to be placed upon it. This is a general law, and it is a pretty serious proposition when you provide that any time any of these Department people can come in and demand a fire drill.

Mr. SHIENTAG: Just the representative of the State Fire Marshal, not any of these people.

Mr. KERNAN: It says a demonstration shall be given upon request of a representative of the fire department of the city, that is one, and then next, upon the request of the State Fire Marshal or any of his deputies, that is two.

Assemblyman JACKSON: Do you think those gentlemen or their representatives will come into the factory simply for the purpose of seeing a fire drill?

Mr. KERNAN: I told you that I do not think they would, but this is a general law, and I do not want to place too much power where it is unnecessary. In other words, you do away with the provision as to how often the fire drill should be held. In the

first sentence you say it shall be held once every so often, and in the next sentence you say that it shall be held at the request of both of these people, and that second clause does away with the effect of the first clause.

Mr. SHIENTAG: Is not the fire chief of the city a deputy of the State Fire Marshal; in the city of Utica I think the chief is a deputy of the State Fire Marshal.

Mr. KERNAN: I would say that you could add something to the effect that this second clause, this second sentence, does not do away with the effect of the first sentence. Make it not oftener than so often.

Mr. SHIENTAG: That is a good suggestion.

Mr. KERNAN: And I think that on sprinkled risks we should not be put in the same class with the ordinary risks. I think on sprinkled risks, if a fire drill was held every three months, that is enough.

Mr. SHIENTAG: But the danger of a panic is there just as great as in any other case.

Mr. KERNAN: I doubt it very much, for this reason, it is very much more difficult for any fire to get started. It is almost immediately stopped, that is, at the start of the fire. It strikes me that that is hardly necessary. I may be wrong about it, because you gentlemen have studied the matter very much more than I have, but it strikes me that some of the requirements that would apply to the large cities are being made to fit the smaller cities, the smaller places, where it is not necessary. A mill is practically alone here. They are not crowded together very much, not the way they are in the big cities.

Mr. SHIENTAG: Of course the textile industry is a hazardous industry.

Mr. KERNAN: It is not classed as a hazardous industry now by the Mutuals or the Fire Insurance companies themselves. They are now putting in the most approved machinery and sprinkling apparatus and so forth, and I do not think it is classed as that, at least by any fire company.

Mr. SHIENTAG: Of course the Commission believes that the automatic sprinkler system is an excellent device, but our attention has been called to a great many cases where the system failed to work, and there is always that danger; it is not perfect.

Mr. KERNAN: It is not perfect, but it very seldom fails to work. We have had no such case here.

Mr. SHIENTAG: There have been a great many cases reported.

Mr. KERNAN: That may be so, but I have not heard of them. It seems to me that if they would increase the height of the building. I think that two stories is pretty low.

Mr. SHIENTAG: That Newark building I do not think was over three stories in height, where that fire occurred a few years ago and a great many lives were lost.

Mr. KERNAN: What kind of a risk was that? A sprinkled risk?

Mr. SHIENTAG: I do not think it was.

Mr. KERNAN: That makes all the difference in the world. They seem to recognize that in that business there is very little risk, all the fire insurance companies say there is very little risk.

Mr. SHIENTAG: They give you a very great allowance for an automatic sprinkler?

Mr. KERNAN: The insurance rate is practically nothing; it is so low in the Mutuals. That is based on actual experience. I hope you will consider these things in regard to that bill quite carefully.

Bill No. 4, in regard to steps, landings and stairways being covered —

Assemblyman JACKSON: We have taken that out.

Mr. KERNAN: I am glad to hear that.

Mr. SHIENTAG: Is there anything there you would like to call attention to?

Mr. KERNAN: I would like to call attention to the sentence that says that no doors leading to a stairway, elevator or outside

escape or any other exit shall be locked or the doors fastened during working hours. It strikes me that that sentence is very drastic itself, but I do not think it is possible to leave the word "elevator" in there. You have got to lock the elevator doors. You will create more danger to people falling down the elevator, more danger than there would be from a fire.

Mr. SHIENTAG: Leaving the word "elevator" out, are you in favor of the provision as it stands; do you see any objections to it?

Mr. KERNAN: I do not want to go so far as to say that I am in favor of that clause, because I have not given enough study to it. The most objectionable part of it is the use of the word "elevators." I do not think that is possible.

On the lower part of the page it reads "and shall be left open or be removed during working hours." Now, that it has been demonstrated to you is practically impossible. To comply with that provision would be impossible in a great many of the factories, and I think I can show you the reason for it. That applies to the metal bar grating or wire mesh provided for any such doors, windows or openings. That practically, as I read it, applies to every window or door or opening in the factory.

Mr. SHIENTAG: That may be used for the purposes of egress.

Mr. KERNAN: Any door, opening or window may be used for the purpose of egress, if that is strictly construed.

Mr. SHIENTAG: What provision should be made, if that present provision strikes you as too drastic; should not some provision be made whereby the grating can be opened from the inside if necessary?

Mr. KERNAN: Yes, it should be so that they could be opened from the inside if necessary. A provision like this: "The metal bars, grating or wire mesh so provided shall be so constructed as to be readily removable or removable from the interior in such manner as to afford free and unobstructed use of said doors"—it strikes me that covers the situation. A number of the factories are constructed right along a street, and in the summer time they have to put in a wire mesh to protect the windows facing on the street. If we had to comply with that it would almost mean the

abandonment of that floor next to the street. We cannot comply with it and protect our property, but I do think the present law provides that they cannot be fixed, but must be removable. We have no objection to any form of wording that would make it so that those things could be removed in a fair manner, but I know the Commission does not want to get into the law something that cannot be complied with.

Assemblyman JACKSON: Of course that proposition has been brought up not alone by you, but by others, about the protection of the windows. That of course would only apply as far as the lower floor is concerned. It is unlikely that stones or other things would be thrown against the second or third story windows.

Mr. KERNAN: Take as an instance one of the cotton mills in this city. Supposing we would have to leave our windows open; supposing we could not put a screen in —

Assemblyman JACKSON: The intent of that sentence is that they shall be left so as to be readily opened, so that they can be forced from the inside. Your first suggestion I think was a good one.

Mr. KERNAN: I would agree with you on that.

Assemblyman JACKSON: We will take that up. We have had several suggestions on it. We do not want to make it so drastic that the employers will have to absolutely comply with the letter of that section.

Mr. KERNAN: I would agree with you on that.

Now, as to the section on the next page, the amendments to this bill, it is almost impossible for me to go into a detailed discussion of those amendments on the construction of fire escapes, as that is almost a matter for experts. I assume that you have given it very careful consideration, but it necessitates the reconstruction practically of everything in this city in the nature of a fire escape. Some of the factories, several of them, as far as possible in building their fire escapes, have gone to the Commissioner of Labor and asked his approval.

Mr. SHIENTAG: Do you notice the exemption on page 9, line 19. It may not be expressed very clearly, but the intent was to

exempt present outside fire escapes from the operation of this law, if constructed in a certain way. If such an exemption were made would you have any objection?

Mr. KERNAN: Yes, a very decided objection, even with that exception, because of course the new construction is going on continually, and wherever a change would be made they would say that this only applied to the old fire escape, and you would have to make the changes in accordance with the others. My general suggestion is this, that some clause be put in, if it is not strong enough at the present time, to make all fire escapes subject to the approval of the Commissioner of Labor or the Advisory Board. I have no objection to any kind of precaution to that effect. The present law is fairly strong on that, but to turn around and legislate as to a specific construction of fire escapes, for you to sit down after an investigation and say, "In every place in the State a fire escape shall be constructed so and so and so and so," without regard to changed conditions or different conditions, that strikes me as inadvisable. I should think that in this respect the present law, if enforced, is fairly strong, but I have no objection to going further, to the point of saying that the fire escape must be satisfactory to the Commissioner of Labor or the Advisory Board, but to legislate in such a way as to require every fire escape in this city or vicinity to be immediately changed, I do not think that is advisable.

Assemblyman JACKSON: In factory buildings?

Mr. KERNAN: In all factory buildings. It strikes me that that is very severe indeed.

Mr. SHIENTAG: You see there is an exemption on page 9?

Mr. KERNAN: Except at the time this act takes effect, etc.

Mr. SHIENTAG: You would not consider a vertical ladder a safe fire escape, would you?

Mr. KERNAN: No.

Mr. SHIENTAG: You have that exemption; what other exemption is there?

Mr. KERNAN: My objection to that is this. If you have in any way to change the existing fire escapes then you would not be allowed to change them, but you would have to rebuild them.

Mr. SHIENTAG: I think we can word the exemption so that that will not be required. I think that would be unfair, as you say.

Mr. KERNAN: Why not put in a general exemption there about securing the approval of the Commissioner of Labor or the Advisory Board, and if that is secured, that provision of that section does not apply. That is the general spirit of the law. I suggest that the fire escapes be approved by the Commissioner of Labor or the Advisory Board.

Mr. SHIENTAG: Are you going to take up the Advisory Board?

Mr. KERNAN: I am not going to discuss that. That is a general provision of the law that we have not gone into sufficiently here to discuss it intelligently, but we do say this, that we do not object to consistent inspection or advice on the part of the Labor Department or someone acting on behalf of the Labor Department.

Mr. SHIENTAG: Do you not think it would be a good thing to have this Advisory Board which would be given discretion in the matter of making rules and regulations to fit different conditions in different industries?

Mr. KERNAN: I do not see any objection to it. On that question of the Advisory Board I say that we have not given it great attention, but it strikes me that some discretion in the hands of a responsible party would be a good thing. But I would suggest again before closing on this bill that there should be a much broader exception, to the effect that if the fire escapes are approved by the Advisory Board or the Commissioner of Labor, then the bill does not apply. I want to show just what my point means in regard to this. Take for instance certain regulations and rules in regard to plumbing, regulations as to the way plumbing must be put in. You all know that when an improvement is made, then you would have to put in new construction exactly in accordance with the present requirement, and if we had in any

way to reconstruct our fire escapes, they would say you cannot repair them, but you have got to reconstruct them according to the present law. You cannot repair them at all, and it is a dangerous provision in that way, unless that is left to the Advisory Board, unless there is some way of letting the Advisory Board pass upon it.

Assemblyman JACKSON: Mr. Kernan, these fire prevention bills were all drafted upon expert advice, and after hearing a great many suggestions from those who have had a great deal to do with the study of fire prevention. They represent what are believed to be standards. Now, the Commission is holding in a great degree to those standards. We want evidence, such as you have presented here today, as to the conditions in the different parts of the State, so that if exemptions are necessary, are believed to be just, we want to make them as broad as possible, but in the construction of new buildings, these standards will practically be adhered to. It has come to the time when the strictest attention must be paid to the preservation of life as well as to the protection of property. I make this statement to the effect that the exemptions as to the existing buildings will be as broad as they possibly can be made, but that the standards as set down will be in the main adhered to.

Mr. KERNAN: I had assumed, Mr. Jackson, that this Commission would not go forward with bills as carefully drawn as these seem to be, without a great deal of attention, and I am certainly very glad to be here this morning to speak to you about these matters, and I only make this point, not to make them too drastic. That is, where it gets to the point where any set of men such as the Advisory Board think such and such a condition or construction not necessary they would not have the discretion to change it. In this bill particularly, in addition to the exemption for present structures, I think there certainly should be added some provision allowing the Advisory Board or the Labor Commission to pass upon it.

Mr. SHIENTAG: Is not what you say a strong argument for the creation of this Advisory Board; the fact that the Legislature cannot make the special rules for special cases.

Mr. KERNAN: The more I look into it the more it impresses me that this Advisory Board is going to be a good thing, but to make the flat statement without study is going pretty far. It looks to me at the outset as if it is what we need.

Mr. SHIENTAG: It is the only solution of the problem that you present?

Mr. KERNAN: I think it is the only solution, but I am calling your attention to the fact that you are tying their hands too much. Do not tie their hands too much either on present construction or future construction. I want to say just a word to you, Mr. Jackson. You and I have seen various experts who disagreed on pretty nearly all subjects, and I remember in the old days I have heard you disagree with some pretty good experts, and I do not want you to put up the opinion of these experts that you have as against other experts that might be employed by the Advisory Board or the Labor Commission, and say that these experts of ours are right absolutely, and that no change can be made. We want to leave a little to the discretion of those people so that if necessary some of the provisions can be changed.

Assemblyman JACKSON: That is a very good point, but let me say that of course the Labor Department as at present constituted is more or less of an administrative proposition. The laws are not strictly adhered to, and violations occur, and of course the powers of this board will in any event go farther than the powers of the present Department of Labor, as far as administration goes, so I think that as we look upon this Advisory Board, its powers and authority, I think there need be no fear that there will be any discrimination at all.

Mr. KERNAN: I am glad to hear that.

Mr. SHIENTAG: Of course, the Commission has not finally passed on any of these bills.

Assemblyman JACKSON: That is the hardest job, finally passing on them.

Mr. KERNAN: We have tried to study the situation and to take up only things that we considered important.

Mr. SHIENTAG: Take up page 7 of bill No. 4, requiring stairways to be enclosed; is that satisfactory?

Mr. KERNAN: No, my general statement as to this bill was to apply not only to the fire escapes, but to all the general provisions of that bill. I think in all matters covering that bill the Commissioner of Labor or the Advisory Board ought to be allowed discretion, that is what I said at the outset, that I could not go into a detailed discussion of all those. It is impossible to comply with such provisions as that No. 5, and these exceptions I speak of I think should not only refer to fire escapes, but all the provisions of that bill.

Mr. SHIENTAG: Open stairways are pretty dangerous, especially in the textile industry.

Mr. KERNAN: There is this much about it, it is pretty hard to say what an open stairway is.

Mr. SHIENTAG: We have explained it pretty fully in the bill. We call an open stairway one that is not enclosed by fireproof partitions.

Mr. KERNAN: Just think, that would mean reconstructing the stairways in every factory we have.

Mr. SHIENTAG: Are not any of them enclosed with fireproof material?

Mr. KERNAN: I do not think any of them, but they are approved risks.

Mr. SHIENTAG: That is the very point. They are approved by the Mutuals and they look after the property hazard, but such a stairway is a menace to life.

Mr. KERNAN: We are inclined to disagree with you on that point. For instance, in the case of a stairway that the Commissioner of Labor did not consider an open stairway — that is the point I am getting at — that the Advisory Board did not consider an open stairway — why cannot they come in, and why don't you give them discretion and let them say that stairway is safe enough.

Assemblyman PHILLIPS: Let me call your attention to subdivision 2 of bill 7. The said Advisory Board shall have the power to make rules and regulations and to fix standards.

Mr. KERNAN: Yes, as to these specific bills we do not want to get into litigation. You make a specific exception in specific bills, and I doubt whether that exception is broad enough.

Commissioner PHILLIPS: Of course the Board cannot change the express provisions of the statute unless given power to do so.

Mr. KERNAN: That is the point I am afraid of. I want in all these provisions a provision that all such changes shall be made in a manner that will be approved. That means, as it is there, the rebuilding of a large part of them.

Commissioner PHILLIPS: That bill does not require the rebuilding of stairways unless there are a certain number of people employed there.

Mr. KERNAN: A number of people would be very seriously affected.

Mr. SHIENTAG: Your idea is that the law should be general, and should give the Advisory Board power to make rules and regulations for the particular cases.

Mr. KERNAN: That is my idea. Not to try to legislate absolutely on all conditions in this great state of New York in one bill.

As to bill No. 5, that affects our people here very seriously, where it regulates the number of people that shall be employed. I want to take you, if the Commission will go with me, and show you one of the mills where there are 213 people employed, and where, under the provisions of the law as drawn only 103 would be allowed, and I think that such a drastic provision as that on the risk we have here is unnecessary. If the Commission reaches the conclusion that such a bill as this must in some form pass, I hope they will give very careful study and attention to the conditions here in this city, because it is going to affect us very seriously.

Mr. SHIENTAG: Have you any specific cases in mind?

Mr. KERNAN: That is the very one I am going to take you people to see. There are 213 people now working there, where under your bill they would only be allowed 103. I call attention to the fact that the Commission has taken up my point itself in No. 5, and they have allowed an increase of 50 per cent. where there is constructed and installed on each and every floor of the building an automatic sprinkler system. Now, my suggestion is that you increase that, where there is a sprinkler risk, and follow practically the provisions of paragraph 6 as to the number of persons for each number of square feet. You say that in every case there shall be not less than 36 square feet of floor space on each floor for every person employed thereon. We can comply with that, but I say we want that provision of that paragraph put into paragraph 5.

Mr. SHIENTAG: Suppose we allowed, in the case of automatic sprinkler risks, an increase of 100 per cent?

Mr. KERNAN: I would rather have it by the number of square feet, for then we would know just where we stood.

Mr. SHIENTAG: I think you will agree that it is a principle of safe construction that the number of persons to be permitted to work in a factory building should be determined by the exits. In other words, they ought not to be permitted to crowd the factory with more people than could escape from the building with safety in case of fire. That is the principle of this bill. It does go further and makes an allowance of 50 per cent. where an automatic sprinkler system is installed, and the Commission has been criticised for even making that allowance of 50 per cent.

Mr. KERNAN: If you did not make that allowance, in the mill of which I have in mind, which I will take you to look over, we would only be allowed to employ about 60 people, where we now have 213. That would mean we would have to have a building of about three times as much factory space in order to do the same amount of work. Such a bill as that is very severe. There certainly ought to be some exception as to allowing the Commissioner of Labor or the Advisory Board to pass upon it anyhow.

Mr. SHIENTAG: We would be very glad to see that building, because we have found a great many cases where persons thought they were seriously affected by this bill and were not affected in any way.

Mr. KERNAN: That is the place I am going to take you to. There is no objection to that part of the bill which speaks of the 30 square feet of floor space. But we would like to have it changed so that instead of an increase of 50 per cent. we would like to have it that so many persons would be allowed for the number of square feet, for a certain number of square feet of space.

Mr. SHIENTAG: That would mean that those persons might not have any way of getting out of the building?

Mr. KERNAN: No, I think, not, because the other section of the clause covers that pretty fully.

I have not gone into the first provision in detail, that no more than 14 persons shall be employed or permitted to be employed on every floor for every 18 inches of width of stairway. I think there ought to be an exception at least for present constructions that have been approved by the Commissioner of Labor.

Mr. SHIENTAG: The only point is that in the present buildings we must look to the safety of the employees.

Mr. KERNAN: Present constructions should be approved by the Commissioner of Labor or this Advisory Board that Mr. Jackson says is not to be an administrative board merely. Should not the Advisory Board be given power to state whether it is safe or not?

Mr. SHIENTAG: You think there should be a general requirement that there shall be a sufficient number of exits in every building to afford safety to the employees in case of fire, and the advisory board should have power to make rules and regulations to state what exits there should be?

Mr. KERNAN: That would be much more satisfactory, much more satisfactory. I think it is a pretty drastic measure for the Legislature to say whether it should be eighteen inches or seven-teen inches.

Mr. SHIENTAG: We have had expert advice on that.

Mr. KERNAN: But these experts are dangerous; expert medical testimony is dangerous; experts of all classes; you can get them on all sides of the question. You want to remember that your experts might say one thing, and other experts might give entirely different evidence.

Mr. SHIENTAG: I think we can demonstrate to you that you cannot possibly get more than fourteen persons for every eighteen inches of width of stairway out of the building in a certain time.

Mr. KERNAN: I would like to have that demonstration followed up by seeing the length of time it takes these people to get out of the building when the whistle blows at 12 o'clock in this city.

Mr. SHIENTAG: We would be very glad to have you give us a demonstration of the fire drill.

Mr. KERNAN: We will be very glad to show it.

Assemblyman JACKSON: There is a difference when they are quitting work, then they are in a hurry, but they are not in a panic.

Mr. KERNAN: Sometimes with a broad stairway like that there would be more people hurt than in a narrow stairway. This fire drill is provided for teaching them the proper use of these exits. That is what the fire drill is for. Then why not adopt a provision for a reasonable exit so that after an investigation they may say what a reasonable exit is, rather than take what a lot of experts tell you is a reasonable one.

Assemblyman JACKSON: These figures are based on fire drill tests.

Mr. KERNAN: It means that in some places we have got to reconstruct our factories.

Mr. SHIENTAG: I think you will find it is not as bad as that.

Assemblyman JACKSON: If we have time here to-day we will try to see that room where they employ 213 people. That will save time in discussing it now.

Mr. SHIENTAG: How about bill No. 6?

Mr. KERNAN: Bill No. 6. Upon that bill, as I say, I have no criticism to offer to the bill here at the present time.

Mr. SHIENTAG: Does your association think that the organization of the Labor Department ought to be strengthened and its efficiency increased and technical men appointed?

Mr. KERNAN: We have no objection to it. It is like this. We are in the position that you were in when you first started to study this question, and for us to advise the passage of an act like that is a pretty strong thing to ask us to do. We have read it over and cannot see any objection to strengthening that Department.

I will say that the same thing applies to bill No. 7.

Mr. SHIENTAG: Of course, you will see that we could not very well get along without an advisory board of some kind if we are going to make general requirements in the law, and not make specific requirements.

Mr. KERNAN: I agree with you there. Of course, as to the form of it, it is difficult for us to pass upon that, but we feel that there should be some organization of that kind.

I have not any objection to Bill 9 or to Bill 10.

What is the amendment in bill No. 11?

Assemblyman JACKSON: That is entirely new, a new section.

Mr. SHIENTAG: That is a new section, because through some oversight there is no provision in the Labor Law providing for cleanliness in what you may call special factory buildings; that is, where the whole building is occupied by one factory.

Mr. KERNAN: That bill I do not know as we have thoroughly gone over with care, and I would like to read that bill just to see if it is thoroughly understood. Every building in which a factory is located, and every part of said building shall be kept clean and free from any accumulation of dirt, filth or garbage, etc. It strikes me that that is all right.

The same as to No. 12, no objection.

As to No. 13, we have tried to investigate that question of putting in chairs with backs, and some work cannot be done in that way.

MR. SHIENTAG: That is covered by this bill. Where they are engaged in work reasonably adapted to a sitting posture, seats with backs shall be supplied.

MR. KERNAN: What does that mean?

MR. SHIENTAG: It gives that power to the advisory board to determine where it is practicable to require seats.

MR. KERNAN: That word "practicable" is to be construed by the advisory board?

MR. SHIENTAG: Yes. These bills will be grouped together in the form of one complete bill. That is to be construed by the advisory board. Turn to bill No. 7 and you will find that the advisory board is given those broad powers.

MR. KERNAN: Let me ask you this question. It strikes me that the words "with proper backs" are not necessary, for this reason, that if you just leave it with the words "suitable seats," the word "suitable" could be construed by the advisory board to inclose backs. It seems to me it is an unnecessary requirement. That is the way I look at it. If we say suitable seat, that is sufficient. You see my point. That gives a pretty broad power to the advisory board, to say that such and such seats are not suitable, just as the Public Service Commissioners say that such and such a car is not suitable. In the Public Service Law it does not say the seats must have backs, it just says that they must be suitable. It strikes me that those words are unnecessary, and, therefore, it is a limitation. It is rather trying to define the work of the advisory board.

Commissioner PHILLIPS: I think the idea of having the advisory board make a particular application of the general rules of the bill is a good thing, but there is a danger of the Legislature going too far, and it has been accused of doing so, of delegating its powers, it has worked out that way in the case of the Public

Service Commission. They have gone too far at Albany in turning over their powers to the Public Service Commission, or rather an argument has been offered that way, and there is a danger of that kind with the advisory board.

Mr. KERNAN: If you are going to start by saying that the seats must have a proper back, pretty soon you will have to say proper footstools, and everything else. In our part of the State, I think from the bridge north of New York up to Lake Erie, the Public Service Commission has given pretty general satisfaction to the people. We do not hear any complaint up here.

Commissioner PHILLIPS: I do not think with regard to the safety of its employees the Public Service Commission has done it full duty.

Mr. KERNAN: I am not so sure along that line.

Commissioner PHILLIPS: They have devoted more time probably to the business end of it, the carrying of freight and things of that kind.

Mr. KERNAN: They certainly have done very well along that line, not speaking about the general safety of the employees.

Mr. SHIENTAG: Of course the advisory board is not to be given the full powers of a commission.

Mr. KERNAN: I understand that.

Commissioner PHILLIPS: In Wisconsin they have gone so far as to turn over the whole matter of factory regulation to a board, without any regulations at all.

Mr. KERNAN: Of course that can be taken back at any time. As to bill No. 15, I suppose we are on a very broad subject.

Assemblyman JACKSON: This is the section that in a different form was declared unconstitutional.

Mr. KERNAN: Yes, been declared unconstitutional. It is proposed to pass this bill?

Mr. SHIENTAG: This is one of the most important bills the Commission has.

Commissioner PHILLIPS: Is there much of such work done by women in Utica?

Mr. KERNAN: There is very little. The night work that is done by women in Utica is mainly the class of work that it is very hard to get men to do. For instance, I can cite you one or two instances. A great many of the mills here run night and day, but the only department in which you find the women working at night is in the winding department. That is a department where it is almost impossible to get any men to do the work.

Assemblyman JACKSON: Why?

Mr. KERNAN: They do not seem able to do it. I will give you a specific instance. One of the mills started out to try and put men into that department.

Mr. SHIENTAG: What mill is that? Is a representative of that mill here?

Mr. KERNAN: I think the mill they tried to put the men in was the Sequoit Company's mill. I am president of that mill. They tried to put the men at work, and they tried it for I have forgotten how long, and they are still trying it. The men earn about one-half of what the women do. In other words, in doing that work they show just about one-half the efficiency.

Mr. SHIENTAG: When you say night work, just what do you mean? When do the women begin working in the evening in the winding room?

Mr. KERNAN: There are just six women in there and they were put in the winding room, as I say, and they have been working in there since the bill was declared unconstitutional, and they work fifty hours a week.

Mr. SHIENTAG: When do they begin?

Mr. KERNAN: They begin at seven o'clock at night and work until six in the morning.

Mr. SHIENTAG: Six women?

Mr. KERNAN: Six women.

Mr. SHIENTAG: Is there any other night work in any other of the mills in this city?

Mr. KERNAN: In the same way, I think yes, in three or four of the other mills. The hours are practically the same.

Commissioner PHILLIPS: How many women altogether?

Mr. KERNAN: I can furnish you statistics on that.

Mr. SHIENTAG: Take the six women who are employed by you, how many are married?

Mr. KERNAN: We do not know.

Mr. SHIENTAG: Is not the night work of women a matter that the State is vitally interested in?

Mr. KERNAN: I think the regulation of the employment of women is a matter in which the State is interested.

Mr. SHIENTAG: How much do these women make?

Mr. KERNAN: They make from nine to twelve dollars a week.

Mr. SHIENTAG: Do they work all the year around?

Mr. KERNAN: We only have had them working for a short time. We are really making an experiment.

Mr. SHIENTAG: Are you experimenting now?

Mr. KERNAN: Right now. Those six women are working now.

Mr. SHIENTAG: How many men work with them at night in that way?

Mr. KERNAN: We have at the present time working with the women, about twelve men, and those twelve men working with the women are earning the same on a piecework basis half of what the women are, that is, each one.

Assemblyman JACKSON: Why don't you raise their pay?

Mr. KERNAN: Well, we have to a certain extent.

Assemblyman JACKSON: The question of the prohibition of night work is a question that Europe has absolutely taken up and

abolished years ago. They do not work women nights. I feel that you are wrong on that question. Pardon me, if I have appeared somewhat rough on that question. I feel arbitrary on that question. We are way behind the times.

Mr. SHIENTAG: How do you feel about that?

Mr. KERNAN: I am not expressing any personal feeling in regard to the matter.

Mr. SHIENTAG: You are president of this mill.

Mr. KERNAN: As president of the mill I say we employed the women, put the six women on there, mainly for the purpose of getting some idea of the difference in cost. You can see there are only six of them.

Mr. SHIENTAG: Were there not more than six on before these women were employed?

Mr. KERNAN: Before the bill was declared unconstitutional there were none. That mill was not running before that time.

Commissioner PHILLIPS: We have found many places where the women who work at night are married women, and they have been attempting to take care of their families during the day time. Can you tell us whether that is so in your factory?

Mr. KERNAN: I can look up the statistics on that, yes. It strikes me, speaking from the standpoint of the members of the Association, that we believe that it should be regulated and not prohibited.

Mr. SHIENTAG: What do you mean by regulated?

Mr. KERNAN: That is a broad question. It should be regulated so far as their health is concerned. I mean it should be regulated rather than coming in and saying, although in a special class of labor they have special proficiency, they are the only people who can do a certain class of work rather than saying that they should not do that class of work when we cannot get men to do it. It should be regulated in the matter of hours, and I think that is a matter for investigation.

MR. SHIENTAG: They cannot work very much longer than from 7 o'clock in the evening till 6 in the morning.

MR. KERNAN: Five days a week, that makes fifty hours a week.

MR. SHIENTAG: The present Fifty-four Hour Law reduced the hours from sixty to fifty-four. You have not made any corresponding reduction.

MR. KERNAN: They work fifty hours.

MR. SHIENTAG: They worked fifty hours at the time the Sixty Hour Law was in effect?

MR. KERNAN: I am not sure — we did not have any women working at all, I think.

MR. SHIENTAG: You are simply experimenting with the women now.

MR. KERNAN: At the present time, yes.

MR. SHIENTAG: Don't you think the State ought to put a stop to this experimenting?

MR. KERNAN: I am giving you my reason why I do not think so.

MR. SHIENTAG: Do you think it is a proper thing for women to work at night at all in a factory?

MR. KERNAN: From the standpoint of the people that I represent I think that it should be regulated, and no harm would come from it.

MR. SHIENTAG: Look at it from the standpoint of the women, and the standpoint of the State.

MR. KERNAN: From the standpoint of the women I think it could be regulated.

MR. SHIENTAG: How would you regulate the employment of the six women in your winding-room?

MR. KERNAN: So far as I can see — well, I do not know. I do not know as we are required to. The only way we can regulate it is as to the number of hours worked.

MR. SHIENTAG: You either have to permit them to work or else prohibit them.

MR. KERNAN: For a certain length of time.

MR. SHIENTAG: Or else prohibit it altogether. It would not do any good for the State to say that these women shall be permitted to work only three hours a night or four hours a night; you would not want them.

MR. KERNAN: No.

MR. SHIENTAG: So that it is practically a question of permitting them to work full time, perhaps with an hour or two less, or else prohibiting it altogether.

MR. KERNAN: Yes.

MR. SHIENTAG: You do not think it ought to be prohibited?

MR. KERNAN: No, I do not, from the standpoint of the people I represent.

MR. SHIENTAG: Look at it from the standpoint of the women themselves.

MR. KERNAN: Yes.

MR. SHIENTAG: Do you think it is a good thing for a woman to work all night long, and then take care of babies the next day?

MR. KERNAN: No, not take care of babies the next day, no. I do not think it is a good thing for women who are taking care of babies to work at all.

Commissioner PHILLIPS: We found at Auburn some of the women worked at night because their husbands were at home then to look after the children. The women worked at night, and then they attempted to look after their children in the day time. A great number of them were married women that worked at night there.

MR. KERNAN: We are certainly not taking a position — we are not taking any position that would affect the health of the

people, but it strikes me from the general run of the women that I have heard about around here that that provision is not necessary from our local standpoint, that is, to adopt such drastic legislation. That is the only way we look at it. You can see very readily that it is not done to a great extent around here. I think there are only three or four mills that have any of them working at all.

Commissioner PHILLIPS: That was a new plan with you, working the women at night?

Mr. KERNAN: They did not work at all while the bill was in force, until it was declared unconstitutional.

Assemblyman JACKSON: How did you get along while they were not working?

Mr. KERNAN: I suppose they had make-shifts.

Assemblyman JACKSON: What is your opinion of Bill No. 15 in its printed form?

Mr. KERNAN: I have given you these reasons as coming from some of the manufacturers. Now, from the standpoint of the specific mill that we represent, that Sequoit Mill, to them it is immaterial one way or the other, because there is such a small number there, but some of the other manufacturers are opposed to this.

Mr. SHIENTAG: Are any of those manufacturers here who are opposed to this bill?

Mr. KERNAN: I do not think they are, just now. As I say, I have given you in general reasons for it. As I remember it, there were two or three of the large manufacturing establishments that did speak to me about the bill, giving these reasons that I have given you, and I have given the reasons from their standpoint as well as I possibly could. As to the specific instance that I spoke about, you can see very readily that that is a small mill, and it does not make very much difference one way or the other.

I want to say as to this particular bill No. 15, and I think it is fair to state it here, that there are some of the manufacturers, and some of the large manufacturers, who see no objection to this bill, and I am going to ask the ones who have specific objections to take it up later with the Commission.

Mr. SHIENTAG: You could not get them to-day?

Mr. KERNAN: I cannot get them here to-day, because they were unable to be here, and they asked me to set forth their reasons, which I have done. For instance, some of the large mills do a very large amount of night work, and some of the knitting mills work no women, but one or two of the others do.

Commissioner PHILLIPS: Do you think they work women to any great extent?

Mr. KERNAN: I do not think so.

Mr. SHIENTAG: What are the names of those mills?

Mr. KERNAN: I would rather have that furnished later. I hope I have made it clear to you that in regard to the Sequoit Company, the employment of these women is really an experiment.

No objection to Bill 16.

Mr. SHIENTAG: You are not interested in No. 17?

Mr. KERNAN: No. No. 18 I am interested in. The guarding of machinery in factories is of course recognized at the outset as a very difficult subject to handle. I would suggest at the outset that if it is possible the Commission have power on this question, that the provision be along general lines, instead of specific lines.

Mr. SHIENTAG: We try to make it as general as possible and give the advisory board power to make specific rules and regulations.

Mr. KERNAN: All revolving shafting within seven feet of the floor shall be protected on the exposed surfaces by being encased in such manner as to securely prevent any part of the body coming in contact with the shafting. There are a great many of these mills where they have long shafts through the mills—

Assemblyman JACKSON: The ceiling seven feet from the floor; that is a pretty high ceiling.

Mr. KERNAN: Well, near the top. It struck me that that provision should be made general rather than specific. That it would be possible to allow discretionary powers with somebody rather than to say that every bit of shafting would be covered. It is a difficult matter to go through a mill and cover every bit of shafting, to encase it.

Mr. SHIENTAG: That is only within seven feet.

Mr. KERNAN: Within seven feet of the floor.

Commissioner JACKSON: I suppose seven feet is considered the average height at which an ordinary person could reach it, could come in contact with it. That is not arbitrary at all.

Mr. KERNAN: I will say at the outset that I did not realize, or we did not realize the distance that you have called my attention to — seven feet, but I would suggest the word “guarded” instead of “encased.”

Commissioner PHILLIPS: That leaves the question open as to what would be considered proper guarding.

Mr. KERNAN: Properly guarded means something, and the word encased is a very severe word.

Commissioner PHILLIPS: It means entirely surrounded.

Mr. KERNAN: Well, guarded is pretty strong. I offer the suggestion merely for study on your part.

Commissioner PHILLIPS: We have had some pretty serious accidents from shafting; there are four or five hundred every year in the factories.

Mr. KERNAN: In the sentence before that I would suggest, Mr. Chairman, some modification of that sentence about belting, or belting within seven feet of the floor, that it shall be boxed in with wood, metal or substantial wire screens. There is no reason why the word “boxed” should be included. It is almost impossible to put a box all the way around a belt. Boxed in is a very strong expression.

Mr. SHIENTAG: That is a strong word, but would you not give the advisory board discretionary power in specific instances?

Mr. KERNAN: Would not the advisory board be given just as good power if you used the word "guarded" there. When you say it must be boxed in you are getting into the detail of it. I am asking for information from you to see where we would stand if this law was passed in this form. What are we going to do? Boxed in means air tight, pretty nearly.

Mr. SHIENTAG: We will take that into consideration.

Mr. KERNAN: Do you get my point, boxing in, means covering the belt all the way around, whereas there might be one side where you could put a wire across the top. Then there is also the question you brought up about allowing the advisory board discretion in that matter. If you say sufficiently guarded you do allow them some general discretion.

Commissioner PHILLIPS: You prefer that they shall be guarded with wood or metal screens, and so forth.

Mr. KERNAN: With the understanding that the Labor Department shall in some way be allowed to pass upon it.

Commissioner JACKSON: The law with regard to guarding machinery is not lived up to, I know.

Mr. KERNAN: Is that because of the law, or because of the enforcement of the law?

Commissioner JACKSON: What do you think?

Mr. KERNAN: I think every possible effort is being made by the manufacturers to guard their machinery as it is now. I think if you go to the factories now you will see they are guarding the wheels and the machinery now, they are practically well guarded.

Mr. SHIENTAG: Should not the manufacturers have expert advice from the labor department?

Mr. KERNAN: The advisory board?

Mr. SHIENTAG: Yes.

Mr. KERNAN: I cannot see any objection to it, the same as they have expert advice on insurance questions.

Bill No. 19 we are not interested in.

Bill No. 20 we are not interested in, that is, in regard to the employment of women and children too.

I do not understand there is any objection to bill No. 21—no, I cannot say that I understand that bill. I have been over it, and if that means that a person who had a ten dollar account can go to New York city and bring a person from Buffalo down there to defend the action I do not believe it is right.

Mr. SHIENTAG: I will tell you how this bill came to be drafted. It was suggested by the Labor Department. You can get a warrant out and serve it in another county from the one in which it was issued, by an endorsement, but you cannot do that in the case of a summons. In case of the prosecution for violations of the labor law they found difficulty in getting at the violators who were guilty. Perhaps that might very well be limited to prosecutions for violations of the labor law.

Mr. KERNAN: If that is the case I withdraw my objection to it. Where it is fifty dollars or over they can serve it, but the idea of bringing it down to smaller sums is severe.

Mr. SHIENTAG: This relates to a criminal proceeding only. You see it is an act to amend the Code of Criminal Procedure.

Mr. KERNAN: I think it ought to be limited to the labor part of it anyhow. However, that escaped our attention.

On bill No. 22, in regard to dressing rooms. If they are to be provided for each floor of the factory, I do not know as the Commission realizes how many that would mean in some of the factories. Some of the factories as I say have forty floors.

Mr. SHIENTAG: Would you not want dressing rooms for the women in each separate building?

Mr. KERNAN: Where you have, for instance, four floors in a small building, one dressing room in the building would perhaps be sufficient. It strikes me that you have gone a little too far on that question. Along that line I agree with you that they should be in some manner provided, there is no question about that, but

I want to reach some way of determining what is the reasonable number rather than have the Legislature say in every instance what a reasonable number is. I suggest that that matter be left to the Commissioner of Labor, or to the advisory board, and that is my general view of the matter as to that bill.

For instance, in some of the factories here in town — I have forgotten how many they would have to have under this law, but it is way beyond anything you have any idea of.

Mr. SHIENTAG: We would not go that far. It simply means that if you have a factory six stories in height, you would have to have dressing rooms on each floor, that is all.

Mr. KERNAN: In some instances they might think it would be much better to have a much larger dressing room, to cover perhaps three floors.

Mr. SHIENTAG: Yes, I think your point is a good one. There is no necessity of being too specific in a matter of that kind.

Mr. KERNAN: No objection to bill 23-A.

Mr. SHIENTAG: Anything else on that bill? How about the provision relating to water closets?

Mr. KERNAN: That same criticism that I had as to the dressing room would apply to anything provided in the bill. The matter of deciding what is a reasonable number. That covers the sinks, the dressing rooms and so forth. That should be under the Commissioner of Labor.

Mr. SHIENTAG: Let me ask your client who is interested what he thinks a reasonable number would be, because that very same question is going to come up when the advisory board makes rules and regulations?

Mr. KERNAN: Is not that a very difficult question to answer right now?

Mr. SHIENTAG: How many has he got? Perhaps he complies with the law now.

Mr. KERNAN: The suggestion that I had in mind was that in certain classes of work more sinks would be required than in other

classes of work, depending upon the dirt, and therefore it strikes me that the matter as to how that should be regulated ought to be left to the Commissioner of Labor, or the advisory board, rather than in legislating in regard to it.

Bill No. 23-B we have no objection to.

Bill No. 23-C we have no objection to.

Bill No. 24 no objection

Bill No. 25-B no objection.

Bill No. 26 we are not interested in.

I want to make a further very important statement relative to Bill No. 15, and that is that I have been requested by some of the members of this association to withdraw any objection on their part to that bill, and that as to those that now desire to specifically object to it, they communicate later with the Commission. I have merely stated the reasons of those, as I understand it, who did object to the bill.

Mr. SHIENTAG: Is there any manufacturer who wants to be heard on any of these matters?

Mr. KERNAN: In general none seem to want to be heard, except they want me to specifically call attention to the fact that the stairway proposition is one in which they are mostly vitally interested in here themselves, and as to any legislation on that score they would like to go into it with a detail further with the Commission after the Commission has taken the matter up further, because that is a very severe regulation, and we want something in there to allow us to take the matter up with the advisory board and the Commissioner of Labor, and let them determine if our present method is adequate.

Commissioner JACKSON: That is Bills Nos. 4 and 5?

Mr. KERNAN: Yes, because it means reconstruction of not only stairways, but in some instances of factories.

Commissioner JACKSON: We will now take a recess until 2 p. m., and those wishing to be heard will return at that hour.

AFTERNOON SESSION.

UTICA, NEW YORK, COMMON COUNCIL CHAMBER,

December 12, 1912, 2 O'CLOCK, P. M.

Mr. WILLIAM L. STROEBEL appeared before the Commission and was examined as follows:

Examination by Mr. SHIENTAG:

Q. What is your position? A. Superintendent of buildings.

Q. How long have you been superintendent of buildings?
A. Eleven months.

Q. Have you made any inspection of factories in this city?
A. No, I have not.

Q. Do you not make any personal inspections? A. No, I take care of the office work.

Q. Are any inspections of factories made under your supervision? A. I have a deputy who makes inspections.

Q. Have you seen the proposed bills that the commission has issued with reference to fire hazard? A. I have.

Q. We would be very glad to have your views concerning them?
A. Of course the only thing there that interested me was 3, 4 and 5. That is relating to the automatic sprinklers and fire-escapes and stairway limitations. I do not know of any thing I can say about them.

Q. I understood you would appear before the Commission at this hearing. A. You asked me to come here. I have nothing to say.

Q. You are superintendent of buildings in this city, and you have nothing to say with regard to bills that are aimed to protect the lives of factory workers? A. I have, yes.

Q. Well, we will hear you if you have. Do you approve of the bills? A. I do approve of them.

Q. Do you think it necessary to enclose stairways in fireproof walls, particularly in buildings five or six stories in height? A. I do, for the safety of the people, I think they ought to be enclosed. I know they do that in our school work here, all of our schools are made with enclosed stairways, and fireproof walls.

Q. Do you think an open stairway is safe in a building in which inflammable material is being manufactured? A. No, I do not think it is safe for the people.

Q. Of course the question of whether the stairway is open has not much to do with the property hazard, has it? A. Well, if a fire started on the first floor, it would naturally go up through the building, if it were open.

Q. The stairway would act as a flue? A. It would act as a flue, yes.

Q. You would say that the requirement that stairways should be enclosed, particularly in buildings over three or four stories high, you would say that was a reasonable requirement? A. Yes, sir, I do.

Q. And it should be insisted upon in order that the safety of the occupants may be assured? A. I think so.

Q. Are there any other provisions in these bills that you would like to speak about. We would like to have your views; you are more familiar with conditions in Utica than this Commission is? A. In my eleven months in office I have not had any plans to pass upon for over one story in a factory building, and I know that I would insist upon having at least two exits to the building, if it is a separate building to give them a show to get out.

Commissioner JACKSON: Have you a building code here, an ordinance?

Mr. STROEBEL: We have a building code, but it does not cover that. It does not say that you have to have two exits in a factory building. It does in apartments.

Q. Most of these factory buildings have two exits, if you consider the outside fire-escape as an exit? A. Yes.

Q. What do you think of the outside fire-escape as a means of escape in case of fire? A. I think it is all right. Anything which gives them a chance to get out.

By Mr. KERNAN:

Q. How long have you been superintendent? A. Eleven months.

Q. And have you inspected many of the factories? A. No, I have not. I have not inspected any.

Q. You have not been in the factories? A. No, sir, not to any extent.

Q. So that you do not know the conditions at all? A. No, sir.

Q. So that from actual examination of the factories in this locality you could not give any opinion whatsoever?

Commissioner JACKSON: That evidence is on the record from Mr. Shientag's examination. He admits that he has no knowledge through personal inspection of any of the factories.

By Mr. SHIENTAG:

Q. Do you devote all your time to your duties as inspector of the buildings? A. Superintendent of buildings from nine to five, every day, yes, sir.

Q. What are your duties, to pass upon the plans for the construction of buildings? A. Yes.

Q. And to see that existing buildings are safe? A. Yes, sir.

Q. You say you spend from nine to five every day in that work? A. Yes, sir.

Q. How many new building plans have been submitted to you within the past eleven months approximately? A. I have issued 850.

Q. For new buildings? A. New buildings.

Q. Do you pass upon those personally? A. Yes, sir. I personally pass on them all.

Mr. WILLIAM O. JONES, then appeared before the Commission, and was interrogated as follows:

Examination by Mr. SHIENTAG:

Q. You are deputy inspector of buildings? A. Yes, sir.

Q. How long have you been inspector? A. Since the 1st of January, 1912.

Q. What is your business outside of that? A. I am a carpenter by trade.

Q. How many factories have you inspected since the 1st of January? A. I have not inspected any factories, only the buildings that are being put up.

Q. Did you hear the testimony of the superintendent of buildings a few moments ago? A. Yes, sir.

Q. Ho was mistaken when he said that you inspected factory buildings? A. Only those that are being erected.

Q. Only the new buildings? A. Yes.

Q. Does nobody connected with the building department of this city inspect any of the existing factory buildings? A. Not that I know of.

Q. Do you know what the conditions are in the existing factory buildings? A. No, sir.

Q. Do you know whether they are safe or not? A. No, sir.

Q. You know that there are thousands of women and girls employed in these factories? A. Yes, sir.

Q. Do you not think that it is part of your duty to see whether these buildings are kept in safe condition? A. If we find anything that is dangerous it is our duty to order it remedied.

Q. How would you find it if you do not go out and look for it?

Commissioner JACKSON: Your duties do not go that far?

Mr. JONES: I have not considered it that way, no, sir. We consider that that is up to the Labor Department.

By Commissioner JACKSON:

Q. The superintendent of buildings as I understand it, is required to pass upon new plans and see that the plans are carried out? A. To see that they are carried out, according to the plans and specifications.

Q. There is no duty imposed on your department to inspect or look after the condition of buildings that now exist is there? A. No, there is not, to a certain extent.

Mr. SHIENTAG: What do you mean by a certain extent?

Mr. JONES: If we find a building that is unsafe we are certainly supposed to see that it is made safe.

Mr. SHIENTAG: Suppose you receive a complaint from some one that a certain factory building has no fire-escape, that it is an unsafe place to work, would you take any action at all?

Mr. JONES: We would inspect it and see if it was.

Mr. SHIENTAG: You do not do anything on your own account?

Mr. JONES: Not that part, no, sir.

Q. You have not made any inspection of factory buildings since you became deputy inspector? A. No, sir.

DANIEL J. SULLIVAN, Chief of the Fire Department, appeared before the Commission and was interrogated as follows:

Examination by Mr. SHIENTAG:

Q. You have been before the Commission before, Mr. Sullivan? A. I think I was.

Q. You are the fire chief, and as such you are a deputy of the State Fire Marshal? A. Yes, sir.

Q. Have you made any inspections of factory buildings in this city recently? A. Some, yes, sir.

Q. Do you make regular inspections? A. No. The Captain goes through some of them.

Q. You have been through several yourself? A. Yes.

Q. How recently? A. Last fall.

Q. Have you seen the proposed bills that the Commission has issued? A. This one here, yes, sir, I read the fire department part of it.

Q. What do you think of the bills? A. I do not see anything to criticise.

Q. Do you think the requirements are necessary? A. Yes, sir.

Q. What do you think of the danger of an open stairway, in a textile factory? A. I think it a great deal better if it is enclosed.

Q. A great deal better for the occupants of the building? A. Yes.

Q. An open stairway is a source of danger in a case of fire? A. They are anywhere.

Q. They are apt to act as a flue in case of fire? A. Yes.

Q. And cause the spread of the fire from one story to another? A. Yes, if there is not anything at the head of the stairway to shut it off.

Q. Is not that the condition in most of the factories in this city; open stairways unenclosed by fireproof walls? A. A great many of the stairways are open.

Q. You do not think that those conditions are safe, particularly in buildings where they employ a large number of women and girls, do you chief? A. No, I should think they ought to have fire escapes on the outside of them for use in case of fire; anything of that kind.

Q. Fire escapes are not useful in the winter time when they are covered with snow and ice? A. No, not of very much use, but they are better than nothing. They help a great deal.

Q. Don't you think that the requirement in these proposed bills that the stairways be enclosed is a reasonable requirement? A. Yes, it is.

Q. Don't you think it is necessary for the safety of the employees? A. I should think so.

Q. Are there any provisions in these proposed bills that you would like to speak about particularly, Chief? A. I do not see anything in there, but I should say there should be a man appointed who understands some of those things, an expert, a man who knows about fire escapes and so on. The chief of the fire department cannot do all those things. There should be a marshal of some kind in all the cities, the big cities especially.

Q. You are in charge of the installation of fire drills under the State law? A. Yes, sir.

Q. Have you installed any fire drills in any factories in this city? A. We have distributed those non-smoking cards, and notified every one of them, that is the deputy fire chief did, to install fire drills and get things ready.

Q. Have you ever witnessed any of the fire drills? A. No, there have been only two or three reported on for this reason. You understand there has only been three months, and some of them want a little time to get things ready. The 1st of January the three months are up, and we intend to take that up.

Q. You have given them three months in which to have these drills installed? A. Yes, sir.

Q. Are you familiar with the conditions in the Oncida Knitting Company? A. I have been down there two or three times. I have not been there this year.

Q. They employ about fifteen hundred girls? A. Yes, sir, so they say.

Q. How high are the buildings? A. I think five stories, that is, the highest part of it.

Q. They have never had a fire drill there that you know of? A. No, sir, not that I know of.

Q. Is there any fire alarm system of signals in that building? A. Yes, a fire alarm box to the fire department.

Q. Is there any system of notifying the occupants of the building in case of fire? A. Not that I know of.

Q. Don't you think it is necessary in a building of that kind, where so many women are employed that they should have some such system? A. Yes, in all those places they have received those non-smoking cards, and have been notified to have fire drills and fire alarm signals, and they have been given a copy of the State Fire Marshal's factory bill.

Q. You have read the proposed bill relating to the fire alarm signal system that this Commission has issued, have you not? A. I think I have.

Q. Do you think that is a reasonable requirement? A. Yes, it is.

Q. Would a whistle serve for the purpose, do you think? A. I hardly think it would. I think a bell would be better. It would take too long to get to the whistle.

Q. The whistle is liable to be misunderstood where there are a number of foreign women employed? A. Yes, sir.

Q. They may think it is time to go to lunch, or time to quit for the day, if they hear a whistle? A. A fire alarm signal should be installed in all factories, and it should be used for nothing else but a fire alarm signal, and for a drill.

Q. You think the system should be used for fire alarm purposes only? A. Only, and drills.

Q. And for fire drills? A. Yes.

Q. How long have you been fire chief of this city? A. A little over ten years.

Q. Then in the course of that time you have visited these factories frequently, caused inspections to be made? A. Yes, been through there.

Q. The fact that there is an automatic sprinkler system in a building should not dispense with the requirements for enclosing

stairways, should it? A. I do not know. Those automatic sprinklers are a great thing. I have been to fires, and when you get there they have the fire out.

Q. Do you think the fact that an automatic sprinkler is installed in a building should dispense with the requirement of enclosing the stairways? A. No, I do not think that, because the smoke is there, that is almost as bad as the fire.

Q. It is almost worse than fire, it causes more deaths than the flames? A. Yes, I guess it does. Of course when you can see the fire, can get near it, you can put it out, but when there is smoke it is hard to get in there.

Q. The textile industry is usually classified as a hazardous industry? A. I could not say as to that.

Q. The fires that occur in that industry are what are known as flash fires, they spread very rapidly? A. Yes, but I have never had any experience with that kind. The fires we have had have generally been in the picking rooms, and they generally had it out when we got there, and they have a sprinkler system, and generally they are enclosed with fire-proof doors. That is, the walls are lined with steel or tin.

Q. Some of the floors are soaked with oil are they not? A. I do not know if they are soaked with oil. They may be around the engine room. Of course in the engine room they usually have cement floors, in the boiler department.

Mr. SHIENTAG: Do you want to ask the chief any questions, Mr. KERNAN?

Mr. KERNAN: I would like to have you explain a little more in detail the sprinkler system, and the experience that you have had with it in the ten years here.

Chief SULLIVAN: We have found it a very good thing. In every place where they have had a fire where there was a sprinkler system they have always got control of the fire. They generally had it under control before we got there. Of course there would be lots of smoke and steam.

Mr. KERNAN: In your experience of ten years here, have you had any bad fire in any of the mills?

Chief SULLIVAN: No, sir.

Mr. KERNAN: There have been a great many fires in the mills?

Chief SULLIVAN: Lots of them.

Mr. KERNAN: And those fires have invariably been controlled by the sprinkler system?

Chief SULLIVAN: Yes, sir.

Mr. SHIENTAG: Have you ever known of any case where the sprinkler system did not work.

Chief SULLIVAN: I have not, no, sir.

By Mr. KERNAN:

Q. In regard to the stairways, almost all the stairways in the mills here are inclosed, are they not, in practically every instance?
A. I do not know as I recall that.

Q. Just recall some of them? A. Some are, of course. If you mean inclosed all the way up, of course when you get up from one floor to another there is an opening.

Q. From the floor into the stairway? A. Yes.

Q. Except for that opening into the stairway the stairs are inclosed? A. Most of them.

Q. Now, if there is no draft at the head, the stairs as they now are would be about as safe as any way they could be constructed, would they not, the way they are at the present time? A. I would not like to say that. Some of them would.

Q. I am speaking about the requirements for fire-proof material. They are mainly inclosed now? A. They are mainly inclosed. That is, from the stairs to the next floor.

Q. From the stairway to the next floor that is inclosed? A. From one floor to the other.

Mr. SHIENTAG: The stairway is not inclosed?

Chief SULLIVAN: No, the sides.

Mr. KERNAN: But the end is not?

Chief SULLIVAN: No.

Mr. KERNAN: Anywhere where the doors go in?

Chief SULLIVAN: No.

By Mr. SHIENTAG:

Q. They are not inclosed by fire resisting material? A. I do not think they are.

Q. Then the inclosure does not amount to anything as it is? A. It helps.

Q. It does not give much help in case of a fire, would not last more than a minute? A. A minute is quite a long while.

Q. It would not stand for more than a minute in a fire? A. Some of them; some of them longer than that. Some would not stand as long.

Q. You would not want to recommend that stairways be inclosed with anything but fire resisting material? A. No, if you have got to inclose them, I would not, not as long as they have got to be inclosed.

By Mr. KERNAN:

Q. How could you inclose these stairways without rebuilding them? A. I do not know that that would be practicable.

Q. You would have to rebuild every one? A. I should not wonder.

Q. And the mill construction buildings would have to put up new structures entirely for the stairway? A. As to that I could not tell you.

Commissioner JACKSON: I want to ask, Chief, what experience you have had with the false alarms in Utica.

Chief SULLIVAN: There have not been a great many for a city of its size, no, sir.

Commissioner JACKSON: An average of probably four in the course of a year?

Chief SULLIVAN: Yes, more than that, ten or twelve a year. That is done by mischievous boys mostly.

Commissioner JACKSON: Have you an ordinance inflicting a penalty for giving a false alarm?

Chief SULLIVAN: I think there is a ten dollar fine, but I think you would have to sue to inflict the penalty.

Commissioner JACKSON: You would have to sue for it?

Chief SULLIVAN: I think that was the decision made on the ordinance here, that you would have to sue to collect the penalty.

Mr. SHIENTAG: You would have to bring a civil suit, you mean?

Chief SULLIVAN: Yes, that is right. That is just what it is.

Mr. KERNAN: I would like to ask you, don't you think that a system of having a fire alarm in each building would be sufficient?

Chief SULLIVAN: Yes, in each building. If you have a fire alarm in each building that would alarm all the people, and if the partitions in the fire walls would be closed, that would be all right.

Mr. KERNAN: I meant one fire alarm would be practically sufficient for each building, instead of one on each floor?

Chief SULLIVAN: No. I think so, I think there should be one on each floor. Automatic, and striking the number of the floor, the same as the fire alarm box does now, strikes the number of the box.

The CHAIRMAN: If there is no one else to be heard, the Commission will stand adjourned subject to the call of the Chair.

**NEW YORK STATE FACTORY INVESTIGATING COMMISSION,
NEW YORK CITY, DECEMBER 16, 1912, ALDERMANIC
CHAMBER, CITY HALL, 10:30 O'CLOCK A. M.**

Mr. ELKUS: To-day was a special day set to hear certain witnesses who had not an opportunity of being heard before. The Commission has been engaged for the past week in holding hearings throughout the State. Senator Wagner would like me to state publicly a fact which has been stated a number of times but which does not seem to be appreciated, and that is this: Ordinarily a Commission of this kind takes a great deal of testimony, gets the facts together, and then makes a report with the recommendations as to legislation, and the only hearing the parties who are interested in the proposed legislation have, is before a legislative committee, which is necessarily brief. In this case the Commission desires to have the fullest information upon all the subjects upon which it may recommend legislation and in order to facilitate this it has had the subjects which it deemed worthy of putting into print, printed in bill form, simply for the purpose of convenience, so as to allow full and free discussion of all subjects. Although they are printed in the form of bills, the bills are not the Commission's bills and I will be perfectly frank and say that the Commission has not as yet passed upon one single bill, and they have not in any way decided on any one bill. There are certain lines of legislation which have come up for discussion, which have been discussed by the Commission generally, and they have expressed a general opinion, but no items have been agreed upon and the subject is wide open and open for the best thought upon it. In fact, some of the items of the bills have been disapproved by the Commission after hearing witnesses and they have been changed in many particulars, so that there are no bills that have been approved by the Commission. The minds of the Commissioners are entirely open. They want information; they

want opinion; they want criticism, and they want suggestions. And above all, they want co-operation. We will now hear Mr. Benjamin.

Mr. EUGENE S. BENJAMIN then addressed the Commission as follows:

I appear as a representative of the Legislative Committee of the Allied Needle Trades. This Committee was formed to discuss these bills and the associations represented are the Cloak, Suit and Skirt Manufacturers Protective Association; The Clothiers Association of New York; The Associated Fur Manufacturers, Incorporated; The Wholesale Men's Furnishing Goods Association; The Dress and Waist Manufacturers Association. We have joined in presenting to this Commission our views on these various bills, and with your permission I would like to have our secretary read them. It is not very long.

Mr. WALTER H. BARTHOLOMEW then addressed the Commission as follows:

The undersigned represent the following associations:

The Cloak, Suit and Skirt Manufacturers Protective Association.

Clothiers Association of New York.

Associated Fur Manufacturers, Inc.

Wholesale Men's Furnishing Goods Association.

Dress and Waist Manufacturers Association.

These Associations cover substantially all of the factories embraced in the needle-working industries in and about New York City and a large majority of all the factory workers in New York City.

In the brief time that we have had to consider the legislation proposed by your commission, we have found the following points that we desire to present to your body for careful consideration.

The organizations we represent are desirous of aiding your Commission in every way. Our members do not operate unsanitary shops nor shops in which the lives of the workers are not protected; they desire earnestly to consider the welfare of their

employees in all of its manifestations and wish to co-operate with your Commission in establishing standards that will make for better and greater safety of health and life. It is with this in view that the following suggestions are made:

I. We observe that, in the bills presented, detailed provisions are outlined for *existing* buildings, and reference is made to a *proposed building code* (not yet presented), which we assume will set forth the provisions for new buildings.

Your attention has probably already been drawn to the fact that the needleworking industries in and about New York City comprise upwards of 275,000 workers. While from the point of view of present enlightened public opinion, factory conditions for all of these employees may not be entirely satisfactory, it is but fair to employers to recognize that the buildings constructed within recent years were actually constructed with the expectation that they would be safe for housing operatives; leases of buildings and floors of buildings have been made in good faith and business undertakings based in reliance upon existing laws. Accordingly, if changes are made, they should be made under such circumstances as least seriously to injure these industries — the largest in our State.

If the regulations for the erection of new structures were known, opportunity would then be afforded for the immediate construction of new factory buildings adequately equipped to safeguard the lives of the workers, and opportunity would thereafter be afforded for those now occupying buildings not so safely equipped to move their factories into the newer structures. We assume, of course, that your Commission is desirous of accomplishing this result at the earliest practicable moment, for only by so doing can it really serve the best interests of the factory workers. Even assuming that the modern loft building can be made readily to conform to the rigorous standards outlined in your legislation, it would not be wise policy to drive out the occupants of existing structures of a lower grade until provision is made for the newer buildings into which these occupants are to go. Accordingly, we believe that the first step in constructive legislation should be, provisions for the making of standards that are certain and clear, upon which real estate owners may immediately proceed to erect more struc-

tures of the kind that will comply with law and into which those now occupying structures of substandards may move. With this end in view, we are of the opinion that sufficient time should elapse to enable these provisions, first, to be formulated, and, second, to be carried into execution. Accordingly, we recommend that whatever legislation you purpose regarding the requirements for the erection of new factory buildings shall be enacted simultaneously with legislation relating to present factory buildings and that the provisions of the latter legislation shall become effective, say, two or three years hence—during which time opportunity for the erection of the new buildings will have been given. We do not see how otherwise the admirable result your Commission is endeavoring to accomplish can be accomplished without grave injury to the best interests of the State.

II. We think the drafting of a new building code is a matter that requires very careful consideration and the aid of the best experts, and we think it would be better done by a commission appointed for the purpose than by the Legislature directly. We should be very glad to co-operate with such a Commission in the formulation of legislation to cover the needs of the situation and we should be glad to put at the disposal of such a commission such facts and figures as may bear on the subject, together with our practical knowledge of the situation.

III. Coming now to the consideration of the bills proposed, we have the following specific criticisms to make:

As to Bill No. 1, we suggest that provision be made for the storing of waste material in fire-proof receptacles and their removal at least once a month.

With regard to the provision relating to smoking, although the language would seem to inhibit only smoking in the factory itself, the definition of a "factory" in Bill No. 9, would seem to cover also the salesroom and office, since this is part of the "establishment." We think that the prohibition of smoking should be limited to the workshop itself, and that the proposed legislation should be amended accordingly.

As to Bill No. 2, we believe that, with reference to fire drills, provision should be made so that authority shall be vested somewhere to organize these fire drills for entire buildings, so that

the occupants of each floor may be compelled to coordinate their drill with the drill of other occupants in the same building. We think, also, that provision should be made imposing upon employees the duty of conforming to the fire drill — our attention has been drawn to cases where employees have refused to participate in the drill.

As to the installation of fire signal systems, we believe that this can only be made effective by imposing the duty upon the landlord of the building; the frequent change of tenants would otherwise make it impossible for execution.

As to Bill No. 3 we think this is a good bill.

As to Bill No. 4 we are in favor of its general purpose, but we think the details should be worked out by a body of technical experts such as could be employed by a State Commission. We do not think that such details as these should be made the subject of legislation. For example, we could present very strong considerations to your commission against the enactment of such provisions as are contained in lines 8 and 9 of page 1 — the use of rubber, asphalt, or any plastic material upon steps might result in more accident than benefit to the people who use the steps. But this a matter that ought to be carefully considered and discussed, and we do not believe the time is adequate for the proper consideration of this matter by the Legislature. This bill is so full of minor details upon which laymen are not qualified to speak that it is impossible for any group of laymen to pass upon it at this time.

As to Bill No. 5, first of all, we call your attention to the fact that it does not make allowance for safe exits of a different kind than those provided in the bill. A reasonable allowance should be made for such exits.

This bill also fails to make provision for an allowance of additional occupancy where "fire-proof division partitions" not extending from cellar to roof throughout the building, are placed in fire-proof buildings. We suggest that, where floors are divided by partitions of brick, terra cotta blocks, or concrete not less than four inches thick, with all openings protected by fire-proof, self-closing doors in a fire-proof building, there should be allowance for additional occupancy, based upon the number of persons who

who can enter the inclosed space with safety, with a fair allowance for light through the use of noncumbustible wired glazing with metal covered frames.

We believe that the allowance for sprinklers should be retained in the bill.

We believe that allowance should be made for stairways to the roofs of fire proof buildings.

We believe that an allowance should be made for fire-escapes outside the building not inclosed in fire proof partitions.

We believe that an allowance should be made for elevators inclosed in fire-proof partitions and opening directly into the body of the floor. Experience has shown that such elevators are a decided factor in permitting occupants to escape in times of fire.

In nonfire-proof buildings, the duty to provide a fire-proof wall from cellar to roof should be imposed upon the landlord. The tenant has no power to construct such a wall and cannot be relieved from his lease, because of this legislation if enacted; he is compelled to continue occupancy of the premises, yet without relief from the burdens imposed upon him by this statute. In case he complies and subsequently moves, he has been put to an expense that in the end benefits the landlord.

On page 5, lines 1 to 7—these provisions for occupancy seem to be based upon other considerations than safety. We think it is a mistake to assume that thirty-six square feet is either sufficient or insufficient, without taking into account the matter of light and ventilation, and we think this would naturally lead to a consideration of cubic feet per person rather than square feet of area space. We think this is a matter that should be taken up by the body of experts who should consider the details of regulations.

In general, while we are in favor of a restricted occupancy, based upon a fair protection of the employees, we believe that the bill in the form proposed will work great disadvantage to our trades, requiring manufacturers almost to double their area capacity in order to employ the usual amount of people that their business demands. We respectfully submit that any such procedure would not only be of great injury to the trade, but to the State, by forcing a number of these establishments to remove their factories to other States.

If it were absolutely essential to the safety of our employees, we could not object; but since safety of life can be had without destroying the industry, we submit that you should consider these details as of vital importance.

We have not had the time to consider in detail all the remaining bills, but we respectfully call your attention to the provisions contained in Bill No. 22, requiring a wash sink for every ten employees. Investigation has shown us that not more than 20 per cent. of the employees of any factory ever make use of wash sinks, and that with the ordinary facilities existing in up-to-date factories, there has been no complaint of lack of opportunity for cleanliness. We believe that one wash sink for every fifty employees would cover the ground as fully as needs be covered.

We have not been able to give thorough consideration to the proposed amendment in your Bill No. 15, but we are giving study to this bill, and hope shortly to be able to make helpful suggestion.

In closing we reiterate what we have said in the earlier portion of this communication. It is our earnest desire to aid your commission in every possible way, and we are hopeful that this communication will not be taken in any other spirit. You expect from us frank expression of those considerations with which we are familiar, in order that your commission may be fair to all interests. We are assuming that your commission desires the maximum of safety, and the minimum of injury to the industries of this State.

Respectfully submitted,

(Signed) EUGENE S. BENJAMIN,
President, Clothing Trades Association,

CHARLES M. COHEN,
Of the Cloak, Suit and Skirt Manufacturers
Protective Association,

JAMES R. KEISER,
President the Wholesale Men's Furnishing
Association, Incorporated,

SAMUEL FLOERSHEIMER,
President, Dress and Waist Manufacturers Association,

LOUIS MALVIN,
Of the Associated Fur Manufacturers, Incorporated.

Mr. ELKUS: If you had followed the proceedings of the Commission you could have saved yourself a great deal of that. You would have found that one of the bills that provides for an advisory board to draft the rules and regulations for the minute details of building construction.

Mr. BARTHOLOMEW: The advisory board has no power to change any specific law.

Mr. ELKUS: These matters were put in the form of laws not because it was expected they would be made statutes, but to bring out discussion as to what the rules would contain that the advisory board should adopt and what the statutes would contain as minimum requirements, the purpose being to have a statute drawn which would have minimum requirements and a permanent advisory board to pass upon details.

Mr. BARTHOLOMEW: We cannot assume how much effect the discussions had on the mind of the commission.

Mr. ELKUS: We are very glad to hear you at length but it is not any use repeating over and over again things that we have been over and that are not before the commission.

Mr. BENJAMIN: In view of the statement made by Mr. Elkus, I shall cut out two or three of these matters and I will make myself as brief as possible, but I would like the commission to understand that we are heartily in favor of the general movement. We represent certain trades, and we are, we think fairly representative of our trades, and we are progressive, but we cannot say that every member of our trade is as progressive as we are, but representing as we do the element that desires improvement, we come before you and ask you to take into account certain considerations.

Speaking as to that phase with which I am most familiar, the clothing trade, we want to call the attention of the commission to the fact that ten or fifteen years ago this business was conducted almost entirely in what are called sweat-shops, by sub-contractors. There has been a definite improvement in the direction of eliminating these contractors, and there has been an improvement in the condition of these contract shops now in existence. There was a great deal of convenience in having the work done

under the old contract system, lessening the responsibility, and it was a system that had grown up for centuries, and is still in existence in every other country in the world in the manufacture of clothing except the United States. Therefore, I call attention to the fact that a great many of the clothiers of to-day, if not all of them, a large part, are in modern buildings at a great deal of expense, and then when you come to consider that for the average contract shop the rental for space is probably fifteen to twenty-five cents a square foot, while in these modern factory buildings the rate is from fifty cents to one dollar, when you consider that you can see that it makes considerable difference in the cost. We look with apprehension at any movement that will tend to throw us back, that will tend to throw the work into the small units instead of the large units and, therefore, it is in that spirit that we come before you. That is true not only of the clothing trade, but of all the other allied trades.

There is nothing in this legislation that I can see as a layman that compels the owner of a building to make the alterations, to make the changes demanded by the factory commission, and while this may be in your mind to make it compulsory, certainly it should be compulsory on the owner, because the lessees cannot do it. They might do it in one part of the building, and not in all.

Mr. ELKUS: Suppose a man had a lease for twenty-one years, a long lease, would you make any distinction there?

Mr. BENJAMIN: I do not suppose any legislation could cover every alternative, and those long leases are very exceptional. The fact is that the business people are not only the sole tenants of a building; that is almost universal, and that is something that the lawyers of the Commission must solve.

Mr. ELKUS: A real estate man who was before the Commission, Mr. Benjamin, suggested that in the case of short leases this matter would right itself from a practical standpoint. The landlord would realize that he would have to do this work, either for the present tenant or the next one, and there would not be any use in letting one man move out.

Mr. BENJAMIN: I believe so if you give sufficient time to put these various provisions into effect.

Mr. ELKUS: How long do you think we ought to give?

Mr. BENJAMIN: I should think you ought to give us three years.

Mr. ELKUS: For everything?

Mr. BENJAMIN: You will find that most of the manufacturers will immediately comply.

Mr. ELKUS: The idea is to give a year. The idea expressed here was to give a year in which the work was to be done, and then give the power to some official, either one in New York City, or one in the State to extend that time another year if the circumstances warranted it. Of course, those small things can be done right away. It would not take more than a year to do them, and then there are others where we would give discretion to extend the time. You know how it would be if we gave three years. Nobody would do anything until the three years were up, and then they would go to the Legislature and ask for an extension.

Commissioner DOWLING: Mr. Benjamin's suggestion goes only to the question of making the alterations. The requirement is that the alterations be made. It does not say whether the owner or the tenant must make them. If the owner and the tenant can agree between themselves as to who can make them that is a matter between them. If the tenant has a lease that requires him to comply with the requirements of the public department he will have to make them, I suppose.

Mr. BENJAMIN: We are talking about existing leases.

Commissioner DOWLING: If the requirement is that the building be altered and otherwise it cannot be used for that trade, then unless the alterations are made they would probably require him to get out. Either the tenant or the landlord will have to do it.

Mr. BENJAMIN: You will appreciate that these premises have been leased under the factory law which prevails and the people who have leased them took these premises believing that they could utilize them for the premises for which they were leased,

and radical changes like these, shutting down the occupancy from 33 to 50 per cent. would fall unnecessarily heavily on the lessees of the premises.

Mr. ELKUS: A real estate man was here who said that undoubtedly the landlord would do the work.

Mr. BENJAMIN: We want to bring these things to your attention. You cannot leave it to a man's good nature. There are two sides to the question. We are not landlords, we are tenants.

Mr. ELKUS: You only see one side of it.

Mr. BENJAMIN: We call your attention to this, because if the occupancy were cut down it would increase our cost of production.

Commissioner DOWLING: That is the minimum number of square feet for each person that you object to?

Mr. BENJAMIN: What we object to in that is not the amount of square feet, but the method by which certain allowances are made. We object only on the ground that it does not take in considerations of light and ventilation which are so necessary in our factories.

Commissioner DOWLING: Mr. Bartholomew said that "While in general I am in favor of restricting the occupancy, we believe in the form proposed will work a great disadvantage to our trades, requiring the manufacturer to almost double his area capacity in order to employ the number of people that their business demands."

Mr. BENJAMIN: I understood your question related to the number of square feet for each employee.

Commissioner DOWLING: Yes.

Mr. BENJAMIN: That has nothing to do with it, because there are very few factories where the number of square feet devoted to each employee under this restriction would not be from 50 to 100 per cent. more than the allowance which you now give us. In other words, when you give us 32 square feet for each employee in a fireproof building under the other restriction an employee would have at least 50 to 60 square feet.

Commissioner DOWLING: The secretary's statement is entirely opposite to yours.

Mr. BENJAMIN: I do not think you have followed it exactly.

Commissioner DOWLING: I have followed it as well as I can. That is what it says.

Mr. BENJAMIN: We object to the various provisions in Bill No. 5 as not allowing us sufficient employees.

Mr. ELKUS: Your opposition is based not so much on the 36 square feet, to that you do not object, but you object to the exit limitation. You think that 14 people per 18 inches of stairway is not sufficient. You think that ought to be, as I understand it, 20 persons?

Commissioner DOWLING: We have discussed that for months. The Commission is not agreed on that either. I am not in agreement with it for one, and I have said so for months.

Mr. BENJAMIN: We appear before you as manufacturers, and we are anxious to follow out any provision that you make, and I will say that smoking by employees is almost impossible to prohibit, especially in some places in the factory. The prohibition against smoking in a factory should not be extended to the office, the showroom or the stockroom, when they are separated in any manner from the manufacturing part of the factory. It would be impossible to enforce it, to prohibit smoking throughout a building that is partly devoted to manufacturing, because part of the building might be occupied as a salesroom where there were no manufacturing facilities.

Mr. ELKUS: This Commission was once in a factory where they were manufacturing very inflammable material, where there were about one thousand people on a floor, men and women. The foremen said that they did not allow smoking, never did, and he was smoking himself. You would not be in favor of that?

Mr. BENJAMIN: We are absolutely in favor of the prohibition of smoking in factory rooms. We are also in favor of prohibiting it in lavatories, but we ask you to confine that to the factory, and eliminate the showrooms, the office and the salesrooms, when they are separate from the factory.

Mr. ELKUS: When they are on a separate floor?

Mr. BENJAMIN: No, when they are separate, because they may be on the same floor and still be separate when they are divided. There is no loose material there, nothing to catch on fire. We have to compete with other manufacturers, and if you prohibited smoking altogether, it would make it a very hard situation.

As to fire drills, we are in accord with the general principle of the fire drills, but personally I am not at all confident that that frequent fire drills are advisable. If the drills are made as often as once a month we believe they would become so accustomed to them that in a case of a real fire the occupants would believe that it was merely a drill and would not exercise proper precaution such as they would otherwise exercise in getting out of the building. I would advise once in every three months.

Mr. ELKUS: Would not that be a very good thing, if the people did not realize that it was really a fire. That would be the best thing that could happen, because there would not be any panic?

Mr. BENJAMIN: Perhaps that is another view of it. The experience of some of our members has been that their employees, most of whom work on piece work, refuse to take part in the fire drills, as they consider it a useless waste of their time, so that that would have to be covered.

Mr. ELKUS: That we have taken measures to cover.

Commissioner DOWLING: How often do you think a fire drill should be held?

Mr. BENJAMIN: I think that the drills should be held every three months. I think they would have better results than if they were held every month.

Commissioner DOWLING: We have to be sure that somebody sees that they do it. If the fire department directs that a drill be held every three months somebody will have to supervise it. Otherwise we cannot tell whether they would do it or not.

Mr. BENJAMIN: We mentioned that.

Commissioner DOWLING: You think once in three months would be frequent enough?

Mr. BENJAMIN: Yes, and more educational. We believe in proper prevention of fire, and also in a thoroughly efficient and sufficiently numerous body of factory inspectors, so that we can have more factory inspection, so that we can have an inspection at least each month. We are asking for much more inspection than we have ever had before, but we ask for that because we believe that it is necessary.

Mr. ELKUS: Would your associates be willing to go on record that you would be in favor of 250 to 300 inspectors?

Mr. BENJAMIN: Mr. Elkus, our associations will go on record as wanting to comply with the laws of the State. We are opposed to laws which are enforced against us and are not enforced against our competitors in other cities or in the same city. We are ready to comply with the law. Some of us have already complied with the fifty-four hour law against the employment of women, while our competitors have been allowed to do otherwise, simply because the State has not seen fit to enforce the law which they have on the statute books. That is our opinion. We want fair treatment.

Mr. ELKUS: The reason I asked that question was this: there has appeared before the Commission a representative of a labor organization who opposes the 125 limit now in the proposed bill, now in the suggested bill. The Commission, I think, believes there should be 250 inspectors, and we should be very glad to know that the manufacturers stand behind the Commission in that regard.

Mr. BENJAMIN: We think if this legislation is so important to the State that the State should not be niggardly in seeing that it is carried out. The present plan seems to be to throw the whole responsibility onto the manufacturers, many of whom do not know the law. The ignominy and disgrace and everything falls on them, where the State should have shared it or removed the responsibility.

As to the advisory board: there is a provision there giving the Commissioner of Labor the veto power, that should be removed. In our opinion that should be an honorary board and the commis-

sioners should serve as the board of education is now, they should serve without pay, and then you would get the proper sort of people.

Mr. ELKUS: An allowance for traveling expenses.

Mr. BENJAMIN: Merely an allowance for traveling expenses. If it is of such importance to the State as I said before, to look after the welfare of its citizens, certainly there are enough public spirited men and women who would be glad to undertake the work without pay.

Commissioner DOWLING: Don't you think if they were paid salaries they would give better attention to it?

Mr. BENJAMIN: I really do not think you would get the same calibre of men.

Commissioner DOWLING: Do you think you can get people to spend sufficient time, and to stand the criticism they would be subject to, if they are not paid?

Mr. BENJAMIN: I think you can. We have a Board of Education which gives a good deal more time than the Factory Commission would have to give.

Mr. ELKUS: Do they have to draw up rules and regulations?

Commissioner DOWLING: I do not think the Board of Education has as much to do as the advisory board would have. Then there are thirty or forty members of the Board of Education, and there will be only six or seven on this Commission.

Mr. BENJAMIN: This is merely an expression of opinion. We are heartily in accord with the idea that we should have some board, an impartial board.

The definition of a factory shall be amended by eliminating that part which is given up to offices and salesrooms and stockrooms.

As to the washing facilities, it is rather absurd to have a wash sink for every 20 people, because we have made investigations and found in one factory where they have 150 men, 22 of them went up to wash themselves. We think that if there were a wash sink for every 50 that would be a sufficient provision.

Coming down to the important part, the limitation of the number of occupants in a building, based on the exit facilities. That is without a doubt a wise provision, but the limitations in the bill are not based upon sufficient data and are unnecessarily stringent. The limitations should be figured on the basis of the time required to pass through the various exits. These exits not only comprise stairways enclosed in fireproof partitions, but also the fire-escapes, as well as the elevators, which have been shown to be of use where fires have occurred. We believe that the regulations regarding the number allowed based on the width of the stairways should be increased at least 50 per cent. We also believe that the number allowed based on the area of the stairhall should be increased 100 per cent. Also an allowance should be made where there is a stairway from the top floor to the roof, or for fire-escapes or stairways in the interior of the building or both. And also where elevators are enclosed in fireproof material a moderate allowance should be made because of that fact.

These propositions we make. We ask for 50 to 100 per cent. allowance and we believe that in any of the fairly modern buildings our employees could get out in less time than is probably allowed in the schedule which has been made out in Bill No. 5. Of course anybody could say that they believe that the schedules of the Bill No. 5 are as proper as ours, and it is a matter of belief, because nobody would dare to start a fire to see how quickly they could get their employees out. We believe that in most of the buildings that have been erected in late years, they have not taken into consideration the width or the character of the exits sufficiently, but we are up against it, we are in those buildings. Those buildings will be in time replaced by other buildings, where the character and the size of the exits will be properly taken care of, but we believe that it is hardly fair to pass legislation like this and give us the minimum amount of allowance for the buildings that we have. I call Mr. Elkus's attention to a building which has been completed less than three years, at the corner of Broadway and Bleecker street, in which we have on one floor 200 employees. It has 7,700 square feet. According to the allowances made by the expert for the Commission we would be allowed to employ 123 people there. I wish to say that a provision allowing something

for an outside stairway, somewhat in the shape of a fire-escape which does not appear in these bills, is included in this estimate of 123 people, so that in this modern building with exposure on three sides of the highest type of construction known at the time, finished less than two years ago, we would be compelled to allow each person in that building about 65 square feet, although the ventilation, heat and light —

Mr. ELKUS: As a matter of fact in that building they have egress to other buildings?

Mr. BENJAMIN: I am glad that you ask that question. I wish the Commission to understand that we are not interested in this bill, because we are fortunately situated in having our building connected with another building, which gives us an extra allowance, gives us more than the Commission allows. I am appearing for the men above us in the same building, on the floor above. They are not able to connect to the adjoining building because this building rises above the other. They could only employ 120 people. If we wanted to rent another floor in this building we would only be able to employ 120 people, notwithstanding that that building has five fireproof elevators and is exposed on all sides.

Commissioner DOWLING: How many stairways are there in the building?

Mr. BENJAMIN: Two.

Commissioner DOWLING: Enclosed?

Mr. BENJAMIN: Enclosed stairways.

Commissioner DOWLING: Are the elevators enclosed?

Mr. BENJAMIN: Enclosed in fireproof material.

Mr. ELKUS: Our engineer inspected that building at my direction on Saturday.

Mr. BENJAMIN: The corner of Broadway and Astor place, the southeast corner, the Potter building. I only call attention to that because that is one of the most favorably situated buildings, and if in a favorably situated building of that character we would

have to cut down our occupancy 40 per cent. what will happen to those buildings that have not got anything like that character? So that if you persist in keeping the allowance down it will be a hardship. I do not think you want to injure the industry. I do not think you want to add so seriously to the cost of maintaining these modern factories in modern buildings so that the movement which is one that I think the Commission is in favor of will not only be disappointing, but it will be a setback, and you will also understand that the mere leasing of additional space does not comprise the whole cost either. There is the cost of heating and lighting on account of the employment of a number of people in a large area. I am obliged to you, and thank you for allowing me so much time.

Commissioner DOWLING: We were very glad to hear you.

Mr. ELKUS: Mr. Benjamin, do you use home work in your trade?

Mr. BENJAMIN: To a very limited extent, and at the same prices that we allow for work in the shop.

Mr. ELKUS: Do children work on the garments at home?

Mr. BENJAMIN: Not to our knowledge, but we would like to state that Mr. Keiser is here and he can speak on that question.

Mr. ELKUS: I want to hear Miss Parker, first.

GRACE E. J. PARKER, a witness, being first duly sworn, testifies as follows:

Examination by Mr. ELKUS:

Q. Miss Parker, what society are you connected with? A. The North American Civil League for Immigrants.

Q. What is your position with that society? A. I am general secretary.

Q. How long have you been general secretary? A. I have been general secretary for about a year and a half.

Q. Do you know Miss Bowen? A. I do.

Q. Who had charge of the welfare work at the Burt Olney cannery at Albion? A. I do.

Q. Does she represent your society? A. She does not.

Q. Will you please state whether she was sent by the society to Albion, New York? A. She was.

Q. What was the arrangement with Mr. Olney under which she was sent? A. The arrangement was that we should engage Miss Bowen to do the teaching in the Olney school, and we would supervise her work, and the Olney Company would pay all expenses.

Q. Now, Miss Bowen is the lady who testified at Rochester on behalf of the Olney cannery that she did the welfare work there, and did not observe any of the conditions which have been testified to as to the employment of young children, and so forth? Did you or any member of your society have any talk with Mr. Olney about conditions there, and the conditions under which you sent this lady to do this work? A. We started our work in the Olney factory a year ago this summer. Before starting it we had an interview with Mr. Olney stating that we believed there should be some kind of educational or welfare work done for the people in the factory and suggesting that we were willing to supervise such work, providing Mr. Olney was willing to support it. At that time we knew that young children were working in the cannery sheds, and we believed that there should be some place in the camp where these young children could go, provided they were not working in the sheds, because the mothers of the children are employed by the Olney Company, and we opened our work a year ago this summer in June. Mr. Olney stated at that time that they did not wish to have the children in the factories, they were a nuisance, and they would be very glad to have something done to take them away from the factories.

Q. You did not know that he was allowing them to work in the sheds, did you? A. We did.

Q. But he said that he would take them out of the sheds and put them in school? A. That was the understanding.

Q. But he did not live up to that understanding? A. We knew that during the summer a year ago many children were working in the factory.

Q. How did you know that? A. How did we know that?

Q. This summer, have they been doing that also? A. This summer there were more children working in the factory, I think, than there had been before in several years.

Q. Did your society approve of the children working in the sheds? A. We were positively opposed to it.

Q. Does your society approve of the women working more than fifty-four or sixty hours a week? A. We are positively opposed to that also.

Q. Did your society pass a resolution with reference to this work, as to what they would do in the future? A. We did.

Q. And what was the substance of that? A. The substance of it was this, that before the League would consent to supervise the welfare work of a plant that an investigation should be made as to the labor conditions, the hours of labor, the conditions under which the employees work, the scale of wages, and unless a minimum standard is observed the League shall decline to supervise their work.

Q. Under that rule you have declined to have anything more to do with the Olney factory? A. Unless the Olney factory agrees to do certain things that we would ask.

Mr. ELKUS: Are there any questions, Mr. Commissioner?

Commissioner DOWLING: Nothing at all.

Mr. ELKUS: We will now hear Mr. Keiser.

Mr. JAMES R. KEISER, of Fourth avenue and 27th street, New York City, then addressed the Commission as follows:

By Mr. ELKUS:

Q. What society do you represent A. The Wholesale Men's Furnishings Association.

Q. We will be very glad to hear you at length. A. If a law were enacted prohibiting instead of regulating home work, without regard to the age of the worker, it would disastrously affect two classes of employees who figure very largely in our industry and many others. First, the married women who have children to take care of, and who have to prepare the meals of their husbands. It is difficult, if not impossible for those people to come

to our factory or to the other factories, and it simply deprives them of their living. The other class is much more numerous, it represents workers who by reason of their limited incomes have to live at a distant point, Hoboken and other places at a distance, and they would lose at least two hours in transit, plus their car fare.

Q. This second class of people do work at home because they live so far away from the factory? A. They nearly all live far away from the factory, and they get the same wages whether they work at home or at the factory.

Q. The only objection to their coming to the factory is that the factory is in New York, and they live far away, and they would have to come to the factory? A. It is a matter of economy.

Q. Because they live at a distance? A. You see under the present regulations they only have to appear once or twice a week, bringing in the work and getting their pay.

Q. If we prohibited the home work they would move nearer to the factory? A. I do not think so, necessarily. Perhaps some of them would, but it would be a loss to them.

Q. Do you believe, Mr. Keiser, that children should be permitted to do home work? A. Absolutely not.

Q. You are opposed to it? A. Absolutely, and I think every other humane manufacturer is. Some of those questions go without saying. In our own establishment we do not work even fifty-four hours a week and we have spent thousands of dollars in certain welfare work. Of course, that is not germane to this discussion.

Q. We find that most enlightened manufacturers have anticipated this legislation throughout the State? A. I think that is true in the industry in which I am particularly informed. The net result of a prohibition, therefore, Mr. Chairman, would simply be to put out of the possibility of earning a living, a large number of people, and it would reduce the earning power of a very much larger number. That is all I have to say on that question.

Q. How do you regulate this home work? A. By inspection. I notice that some of the lady inspectors, whose reports have been printed in the New York Times, and the New York Globe, have stated that the maximum earning capacity of these people was in one case \$3; and in another case I think about \$5.60.

Q. I think they took special cases? A. They also stated that the work was seasonal. That these women were employed for a few weeks, and that then they were out of work for the rest of the year.

Q. I do not think any such testimony was given here? A. Perhaps not. Would it interest you to know about what the earning capacity of these women is?

Q. We would like it very much. A. Well, I had drawn off here the work of a half dozen selected women who did this work at home, who had babies or something of that kind, and their weekly wage runs from perhaps — some weeks they are very light — up to \$17.

Q. What is the lowest? A. Well, I see here as low as \$3.05, but that might be a week when they only worked one day.

Q. What is the average? A. Take the fifty-two weeks and it is much less than that, by reason of the holidays, take the entire fifty-two weeks, the earnings of these six women are as follows: \$667, \$779, \$696, \$699, \$815, \$755.

Q. What part of the work do they do at home, only special parts? A. Mainly what is known as the finishing.

Q. Are they working at machine work? A. Hand work.

Q. Do you know whether or not children help the mothers in this work? A. I do not. We have noticed that where they have assistance, the wages run to \$17, some run as high as \$25, but I cannot speak with conviction on that.

Q. These figures which you have given to the Commission which are very interesting, represent so much work, you do not pay them by the week, you pay them so much apiece? A. That is right.

Q. They are given a certain number of articles to make up? A. Yes.

Q. And they bring these back completed? A. Yes, sir.

Q. Who does that, how many people work on them, you do not know? A. These represent individual workers; I was very particular about that.

Q. They represent individual payments? A. No, the individual worker.

Q. How do you know? A. Because these people have been in our employ for many years.

Q. How can you tell. Any one of these women may have two or three children helping them.

Commissioner DOWLING: Is it expert work that could only be done by women who have been working at it for years? A. Children could not do it, it would be impossible. Where they have assistance the wages double up. We have eliminated those here.

By Mr. ELKUS:

Q. The women have to get everything, the material? A. No, sir.

Q. Out of this do they have to pay for anything? A. No, no; that is absolutely their net earnings.

Q. You do a very high class of manufacturing, very fine goods? A. Mainly the better class, yes, sir.

Commissioner DOWLING: I would like to ask Mr. Keiser, is any of this work done in tenement houses in New York City?

Mr. KEISER: I do not believe that is the case from the class of the workers. I know positively in a great many instances, but I would not want to make that categorical answer without investigation.

Commissioner DOWLING: The reason that I ask that is that we had testimony last week, that there were children of seven years of age, or nine years of age, working on corset covers, and so forth, that sort of thing.

Mr. KEISER: A good many of our people own entirely or partly own their own homes. I know of a number of cases of that kind.

By Mr. ELKUS:

Q. Have you any idea of the number of hours that these women work each day? A. Judging from their earnings they must work the number required by the statute, I think.

Q. You do not know? A. I could not speak on that advisedly, no, sir.

Q. Is there anything further? A. Referring to what Mr. Benjamin said, he asked that the definition of "factory" he made a little more explicit. In Bill 5 it refers to the number of persons

who may occupy any floor in a factory building, and in Bill 9, it refers to a factory and a mercantile establishment. I would like to ask two questions: one is why should the limit of sixty-six inches be put upon the passageway or doorway in a horizontal exist, and secondly where both a mercantile establishment and a factory are under one management on the same floor — let me make that clear: take our own case. Here is perhaps an ideal building. That is the Peter Cooper building at 27th and 28th streets. We have a heavy fire wall dividing the building in the center.

Mr. SHIENTAG: How large an opening is there in the fire wall?

Mr. KEISER: There are two such. The one in the factory comes within your definition, but the one in the sales room — this sales room is also separated by a fire wall from the factory, that is made about eight feet wide, and I would like to know why —

By Mr. ELKUS:

Q. The reason why the engineers provide or suggest a smaller opening is because the larger the opening the greater the danger of a fire going through? A. We spent about \$600 to make that comply with the fire law, and the point is this: in one part of the bill it speaks of the regulation of the floor —

Q. Let me ask you this: you would not have any objection if the owner of the building made it sixty-six inches wide? A. The most serious objection.

Q. Why? A. This opening is practically in our sales room. That is divided from the factory by a fire wall. There is nothing combustible in there.

Q. I understand, Mr. Keiser, that at that point it is eight feet wide. Now, the engineers advise a smaller opening. Suppose that we provide that in buildings hereafter, the opening should not be any larger than sixty-six inches, would that be objectionable? A. It would in that part of our building.

Q. Why? A. If you define the portion of our building which we use as a salesroom and office as a mercantile establishment, the end that is behind the fireproof partition, this law would not have any application to us, but I do not see why that portion should be closed in to sixty-six inches.

Q. What is your objection to closing it in? A. It is practically one room. We have a firewall between that and the factory.

Commissioner DOWLING: We have not settled on that at all.

Mr. KEISER: I want to know if you can make your definition so that there will not be any conflict. If that is a mercantile establishment it does not come under it. If the other end of the building is a factory —

Mr. ELKUS: One side of the wall is a factory and the other side of the wall is a mercantile establishment?

Mr. KEISER: There are two walls, a wall in the center of the building, and then there is a wall running north and south.

Mr. EUGENE L. LEZINSKY then addressed the commission as follows:

Examination by Mr. ELKUS:

Q. What office do you hold? A. I am general manager of the Cloak and Skirt Manufacturers' Protective Association.

Q. Tell us whether you know of any home work being done in the tenement houses in the cloak and suit trade? A. There is no work done in the cloak and suit trade in the tenement houses. Our outside work is done through contractors, and it comes under the same provision about sanitary control, and so forth, as our factories.

Q. As the work done in the factories? A. Done in the factories under the same provisions and the same regulations as for general factory inspection.

Q. There is no home work at all? A. It is not done in the homes or the tenement houses.

Mr. BARTHOLOMEW: That is also true of the waist and dress industry, also.

Mr. BENJAMIN: It is not necessary for me to go further into the question, except to say that in my opinion, after thirty years of experience in manufacturing in New York that it would be cruel to pass a law prohibiting the home work. There are many

cripples, many women with invalid sisters and mothers, a vast number of people who cannot go into the factory, and they are just as much to be considered as those who can work in the factory, and the mere fact that a number of cases have been noticed where children have been employed under unsanitary conditions in the home, should not force these people to give up their means of livelihood. In our particular business there is very little done in the homes now, except the light finishing, and it is getting less every year, yet those that we have not employed, simply because we could get factory workers to do the work, they must necessarily have found employment somewhere else so that they could support themselves.

Mr. ELKUS: You are trying to eliminate home work as much as you can?

Mr. BENJAMIN: Yes, not because we object to home work, but because it is more advantageous for the factory to have all its operations immediately under its own control.

Mr. ELKUS: I desire to lay before the Commissioners and have incorporated into the record, a report from Mrs. Mary H. Loines, Chairman of the Brooklyn Auxiliary of the Consumers' League:

“ December 12th, 1912.

“ Hon. ROBT. F. WAGNER, *Chmn. Factory Commission*:

“ DEAR SIR.—All women interested in wages and working conditions are following closely your investigation of factories, canneries and licensed tenements throughout the State.

“ In addition to other evils in tenement house manufacture is the spread of contagious diseases of which you have had examples in the testimony before you.

“ During the period from September 1st to December 11th, 1909, The Brooklyn Auxiliary compared the records of the Board of Health of this Borough for 5,195 houses licensed for manufacturing. For those two and a half months there were 80 cases of diphtheria, 80 of measles, 71 of scarlet fever and 62 of tuberculosis,—293 in all. That these diseases spread and congest is shown by the fact that one of these houses had five cases of scarlet

fever and two of diphtheria in September and two of scarlet fever in October. Two other houses within a short distance had each a case of scarlet fever and another one had both scarlet fever and diphtheria the same day. These examples might be multiplied indefinitely.

“ In another of these licensed houses, sheltering seven families, four children under two years died of scarlet fever in eleven weeks

“ That disease germs are carried in many directions by work done in these houses is a foregone conclusion. The long hours of uncontrolled labor for women and little children often under far worse conditions than those of regulated factories are as potent in undermining health and strength as contagious disease.

“ Last year, from February 1st to December 1st, in 5,114 licensed tenements, there were 1,186 cases of contagious diseases reported by the Board of Health in the Borough, an average of over one to every four houses. In many of these however a second case followed within a month.

“ It is no wonder that the Consumers’ Leagues are anxious for legislation that will abolish this tenement house manufacture and keep workers in factories that can be controlled.

“ Brooklyn’s good factory buildings are increasing, and with the air and space available in its extended territory, the days of the tenement makeshift will be numbered when public opinion demands it.

“ Respectfully yours,

“ MARY H. LOINES,

“ Chairman.”

JOSHUA L. AMBERG, a witness, being first duly sworn, testified as follows:

By Mr. ELKUS:

Q. Proceed, Mr. Amberg, we will be glad to hear you. A. We are in the business of manufacturing gowns and we will naturally be interested in this legislation. The only point that we are interested in, and the only point that we want to bring out, and the only thing that I will talk about is that question of home labor. Mr. Elkus, may I ask a question?

Q. Yes. A. Is there any bill incorporating in any manner —

Q. No, the Commission has not put its suggestions in the form of a bill, because we do not know just what we are going to recommend. A. Is the matter only to be considered from the point of view of the tenement houses?

Q. It is to be considered from every viewpoint, the tenement houses and the homes. A. In an industry such as ours, there are naturally a great many details of which the newspapers are very glad to take up, and which we see very fairly discussed everywhere. They appeal to class feeling, and it is too bad that they cannot give both sides of this matter. We certainly oppose unsanitary work, we certainly oppose the working of children at home.

Q. If you do not mind my interrupting you — A. Not at all.

Q. In your work do you employ children now? A. At home?

Q. Yes. A. Not to my knowledge.

Q. Our inspectors found among the names given to us by your factory a great many children. A. To our knowledge the women are the only ones that do the working at home on our merchandise.

Q. You give out your work to contractors? A. No, we give out only a part of the work and only in a particular line, that is on the dolls' dresses, and we think that can readily be done at home to advantage. We find it has certain advantages, to give the work to outsiders, and they are very capable women who are taking out this work. To take away this work would be a hardship on the women in our industry, and on many others and would take away from them their means of earning a livelihood. There are many women who have to take care of children, or perhaps to prepare lunch for a boy or a girl at school, and for a hundred and one reasons they may have to work at home, in order to earn a living. I have sent one of our men to investigate some of the different contractors that we now have on our books and I have right along taken a personal interest in this work. Some of the workers live in the city of New York, some of them in Hoboken and Elizabeth, New Jersey, and Newark. We found only one that we considered unsanitary among the people that we are at present employing. We have people on Staten Island, quite a number in the Bronx, and we have some downtown.

Q. You have some on Thompson street, in the Italian quarter? A. We have cut those off our books. That is the one that we found

unsanitary. We cut that off for that very good reason. We have not had any on Thompson street since.

Q. You did not do that until after the investigator had told you about it? A. Had told us about the conditions. Then we cut them out. This investigator thought it would be a hardship if you prevented that work altogether.

Commissioner DOWLING: Who was that investigator, was he your investigator?

Mr. AMBERG: No, sir.

Mr. ELKUS: Our investigator?

Commissioner DOWLING: He stated that it would be a hardship?

Mr. AMBERG: He was investigating the general conditions in the work. He had a blank that he made out. He was a stout gentleman.

Commissioner DOWLING: Who was this person?

Mr. AMBERG: I do not know his name, sir. You must have the record.

Mr. ELKUS: Miss Watson examined your factory and Miss Moore was one of the inspectors. Mrs. Orenstein was the other.

Mr. AMBERG: He had a list and he put down the number of employees, and other things on it.

By Mr. ELKUS:

Q. Miss Watson inspected this work on Thompson street, and she reported that it was very unsanitary. There were very young children working very long hours. A. It is this gentleman that I am speaking of. Do you know the name of the man?

Q. It does not make any difference. A. The point is if that work can be done at home, for which we pay the same price as we do for the inside work, and if it can be done under sanitary conditions so that the children do not have to kill themselves, literally kill themselves working, it seems to me it would be wise to have this done.

Q. So that the children were not literally killing themselves — would you be in favor of allowing children to work at home in the manufacturing? A. I would not, sir.

Q. Not at all? A. No.

Q. You said something about allowing the children to work? A. I said if you did not have the children working so that it would injure their health.

Q. You are in favor then of allowing work at home? A. Under sanitary conditions, that would be our point of view, and that is the only recommendation that we could give. We have tried to study this question in our own small way, and we think if you could lighten the operations in work of this kind, it would accrue to the advantage of certain of these people more than it would to the advantage of the manufacturers. There ought to be a certificate issued to the women by some board that would see that the conditions were good enough to be worked under.

Commissioner DOWLING: You suggest that the manufacturer should not give out the work to anybody who was not licensed?

Mr. AMBERG: Who was not licensed by the Factory Commissioner, and we must not give work to children under fourteen years of age, or work them any more than a certain number of hours. The women would not be allowed to work, except under satisfactory conditions.

By Mr. ELKUS:

Q. A great many of the women doing this work live outside of the city of New York? A. The people who do our work live around the city of New York rather than in it.

Q. They live in New Jersey? A. Some in Hoboken, some on Staten Island, three or four in the Bronx.

Q. Mostly over in Hoboken, New Jersey? A. Some of them; not most of them.

Q. That is out of the State, that is the reason I asked, because we have been informed that a great many of the workers do not live in New York State at all. A. There is a colony of them in Hoboken.

Commissioner DOWLING: You said some came as far as from Elizabeth, New Jersey?

Mr. AMBERG: We have had them as far as Port Chester.

Commissioner DOWLING: Anything further?

Mr. AMBERG: Merely to emphasize that point to the best of my ability: That it is necessary to have a commission to investigate the particular cases, to see that we are not employing them under improper conditions, and by allowing these people to earn a living in this way it would be a service to the State.

Commissioner DOWLING: Could we go and inspect those in Elizabeth or Newark?

Mr. AMBERG: Only in New York State of course.

Commissioner DOWLING: I think we have got your point, Mr. Amberg. We are very much obliged to you.

Mr. ELKUS: We will now hear Dr. Darlington. You have been asked by the Commission to appear before us and give us your views on a number of questions that have been discussed. In the first place, please state your previous experience in work of this kind as health officer and physician.

Dr. THOMAS DARLINGTON then addressed the Commission as follows:

Dr. DARLINGTON: My principal experience has been as president of the Board of Health of the city of New York, for six years. My present position is that of secretary of the welfare committee of the American Iron & Steel Institute. I also hold a number of official positions in work of that kind, welfare work.

Mr. ELKUS: Will you explain a little more fully your position, the duties of your position as secretary of the welfare committee of the Steel & Iron Institute, a little more in detail.

Dr. DARLINGTON: The American Steel & Iron Institute was organized largely for welfare work. There is a committee in connection with that which suggests to the various plants in the industry definite lines of work, welfare work. Different things that might be done for the benefit of the working men. It includes some sixty or seventy lines of work.

Commissioner DOWLING: That is mainly in Pennsylvania.

Dr. DARLINGTON: All over the United States wherever there is any steel or iron industry, and it also includes coal mining and iron mining.

Mr. ELKUS: So that, in connection with your official position you have made a very careful study, a complete study of welfare work in its broadest sense, questions such as fatigue and efficiency?

Dr. DARLINGTON: Yes, sir.

Mr. ELKUS: We will be very glad to hear you now in your own way upon all of these subjects, the need for cleanliness, hygiene, and so forth.

Dr. DARLINGTON: It is axiomatic that efficiency depends on health. It is therefore of the greatest commercial importance that our workmen be not only provided with safeguards for the prevention of accidents, but also for the prevention of sickness. It is important that everything practicable be done, not only to prevent disease, but to raise the standard of health to the very highest point. Now, the health in any community, the health of the people depends on three different things. It depends first on the hygiene of the employee, secondly on the care of colonies of families, the care of the employee within the enclosure, and it depends thirdly upon the care by the authorities in making and enforcing the laws. Upon the question of the laws, I might say this, that I think as a rule we have generally too many laws. What is needed is more enforcement of the law, and more education of the public in regard to those laws.

Mr. ELKUS: Doctor, if you do not mind my interrupting you —

Dr. DARLINGTON: No.

Mr. ELKUS: With reference to inspection, will you tell us your experience in the Health Department about inspectors. The statement has been made here that we need more inspectors. What do you say about that?

Dr. DARLINGTON: I say that when you find a man not doing his work efficiently, drop him. That is the stand I took in the

Health Department, and I found no difficulty in dropping even Civil Service employees when they did not do their work properly. We had, I think, a very efficient inspection up to the limits of the appropriation which we had.

MR. ELKUS: And in order to insure the factories being kept in good condition there should be frequent inspections?

DR. DARLINGTON: Yes. It is not so much that as the enforcement of the law by means of a penalty. In the Department of Health we closed up a place as a public nuisance where they did not enforce the law. We had very little trouble. If you enforce the law and secure penalties, then you will have no trouble. It only requires a very few examples. I believe efficient inspection is absolutely necessary but the first thing in regard to a labor department should be not only inspection — it is not only necessary to police the department, it is not only the policing that is necessary but the education of the manufacturers and the education of the people within the factories. Education should come first.

MR. ELKUS: Education along what lines? What would you consider the most important factor in the case of men working in a factory?

DR. DARLINGTON: There are three things of about equal importance. Perhaps the first is the water supply. In the first place, disease comes very largely from bad water supplies, impure water supplies. That is of first importance, impure water, that is unwholesome water. Get rid of the pathogenic germs. Impure water leads to typhoid, to diarrhoea and to dysentery and that leads not only to absence from work, but also to inefficiency. Fatigue depends not entirely upon the amount of work that a person does. For instance, if I experience fatigue it is due to an effect being produced on the muscles. Very rapid and constant motion will produce acid and carbon-dioxide within, but that is not the only thing that produces fatigue. You must get rid of these obstructions within the muscles. You must have plenty of fluid circulating in the system. If very little has accumulated, if there is no fluid present, it will produce fatigue, whereas if there

is plenty of fluid present, fatigue is less likely to be produced. In other words, fatigue depends largely upon whether a person drinks plenty of water or not. Water should be made as attractive as possible. Drinking fountains should be in every factory.

Mr. ELKUS: Drinking water prevents you from getting tired?

Dr. DARLINGTON: Yes, not only that, but where people do not have a sufficient amount of fluid in the system, the functional value of the organism is disturbed.

Mr. ELKUS: So that the manufacturer should be instructed to teach his men to drink plenty of water, and he should supply the water, and the men should be instructed to drink plenty of water?

Dr. DARLINGTON: Exactly. Every manufacturer should have plenty of water there for his men. Of course there are other grounds than that, but on that account I am in favor of any bill which looks to a better distribution of the water supply, and a better water supply in the factory, as an encouragement to drinking water. Then along that same line there is the question of taking shower baths. There are many places where they have hardly been used because the use of the wash basins has not been encouraged, but in places where they have been asked to do it, inducements have been put forward, they have shown a very largely increased efficiency.

Mr. ELKUS: What could be done? We have had it stated before by manufacturers that they have put in shower baths, but that few of the men would use them.

Dr. DARLINGTON: I noticed at one place where I looked at the water, I found that it was black and muddy and no man wants to wash in water of that kind. The wife would much rather have her man come home with clean clothes from the factory, especially in villages where the water supply is very scarce and all the water that is used must be brought into the house in pails.

Mr. ELKUS: What is the next point, Doctor?

Dr. DARLINGTON: Of course, there is the question of drinking cups. I believe in drinking fountains. Another question of equal

importance is that of proper water-closets, or if necessary privy vaults. Privy vaults, however, should not be allowed where they can have the closets. The difficulty with them is that they have very generally not got proper facilities. They are insufficiently lighted, they lack privacy, they are not properly ventilated, they are simply stalls and have no seats, the stalls are too narrow, and the seats are too small, and they are not sufficient in number. They are not warmed in winter, they should contain toilet paper, they are usually dirty. On account of improper construction they cannot be kept clean and in summer they contain many flies, and some have no vent pipes. The principal fault that I have found with them is that on account of the faulty construction they cannot be kept clean. I have yet to see any water-closet in a factory where the seats were of a sufficient size, and that means the soiling of the seat, and that means that the place is kept in a dirty condition. I am sorry to have to speak of these things so plainly, but it must be done. More than half the time it is not the fault of the workman, it is the fault of the construction, faulty construction in these places. I have seen many places where the best toilet facilities have been given to the workmen, and they have kept them in good condition, especially where they were requested to do so, when attention had been called to it by those in charge of the work. There again it is partly a matter of education, but also a matter of furnishing proper toilet facilities.

There is another thing in regard to that. Many people do not know that a large amount of infection is due to employees not taking proper care of the system, improper hygiene, personal hygiene. Fatigue comes on rapidly where toxins from intestinal bacteria are absorbed in the system. In other words, workmen experience fatigue not on account of the amount of work they have done, but because of the intestinal toxins that have been absorbed in the system. That is so largely because some of the places are so dirty that they do not want to go to them until absolutely forced to, and they put off going as long as possible. Last evening I had to go for a society to see an Italian family, where I examined seven of the people, and three of the children had incipient tuberculosis. They worked in a factory. I asked them how often they went to the water closet, and they said once every

three or four days. I asked them why they did not go oftener, and they said they did not like to leave their work. I am sorry to have to take these things up so plainly, but it is necessary.

Mr. ELKUS: In other words, people do not take proper care of themselves?

Dr. DARLINGTON: That comes in under the first head that I mentioned, the education of the people in personal hygiene. I think that is a question in which the State might very well take a hand.

The third and most important matter, so far as the work is concerned, is the question of air conditions. Tuberculosis, while it depends on a germ, that is the most important factor, still it also depends largely upon the contributing factors. The greatest contributing cause to tuberculosis is bad air conditions and dust. The cost to the State is enormous. It runs into the millions. The cost of tuberculosis to this city every year is over twenty-three millions of dollars.

Mr. ELKUS: It costs the State twenty-three millions a year?

Dr. DARLINGTON: The cost to the people in the State. We count at least one year for a person who has tuberculosis, where these people cannot work. They must be supported by the family or by the State. There are over 10,000 deaths every year in this city; 10,000 people who have to be supported every year in this city, either by the family, the other people in the family, who are carrying them on their back, because they are suffering from tuberculosis, which comes from defective ventilation in houses, factories and other places.

Mr. ELKUS: Very much of that can be prevented by proper regard to the three conditions?

Dr. DARLINGTON: And proper feeding, but that is one of the principal conditions. It is a well recognized fact, based upon English statistics, of the number of deaths to the million, that dust is the greatest contributing factor, one of the greatest contributing factors in the origin of tuberculosis.

The foul air and bad air in factories is a detriment, not only because of the carbon dioxide with the carbonic acid in the air, but

also because it contains more or less bacteria from dust, and we have found that it lessens the resisting power to disease, it lowers the vitality of the body. There is a greater prevalence of communicable diseases among those who live in crowded houses or crowded factories than among those who live out doors. There is a lessened ability to resist these. That brings me to another point: many of the people, some of them, even though they are working under good conditions in the factory, may suffer from bad conditions in other places. We have got to wipe out the bad conditions. In the crowded tenements sometimes a man will occupy the bed during the day, and another will occupy the same bed at night. It is necessary in order to keep them in good condition that not only the factory conditions but the home conditions be looked into. There must be co-operation between the different functions of government. The Labor Commissioner and the Health Commissioner must co-operate to obtain the conditions which we desire.

I see the time has practically elapsed so that I will say only one or two more things.

MR. ELKUS: Dr. Darlington, I hope you will let us have attached to your testimony a full statement of your views on this subject.

DR. DARLINGTON: I will be very glad to do so.

MR. ELKUS: I would like to draw your attention to one or two things. That is the cellar bakeries. I should like to know whether they should be abolished or permitted?

DR. DARLINGTON: All work in cellars, as a rule, is a detriment. That is, they are not sufficiently lighted, there is not sufficient air. The dust from the street will get in, but there is still another factor, as a rule in cellars, and that is, the soil in the city of New York is polluted. Gases are constantly escaping through this soil, and it gets into the cellars, unless they are very wonderfully well built, and the constant breathing of small amounts of these poisonous gases produces anemia, and lessens the resisting power to disease, and is apt to produce disease. So far as possible, living in cellars and working in cellars and having factories in

cellars should be eliminated, under ordinary circumstances. This is a matter in which the Commission might have proper discretion, and it would depend on how well the cellars were built, but it should be eliminated as far as possible. That is so especially where food products are manufactured.

Mr. ELKUS: What is your opinion as to the employment of children and women in the tenement houses and homes? Should that be permitted?

Dr. DARLINGTON: It should not. It is very difficult to eliminate it. At the same time, the proper thing for child life is education and play. Those two things are necessary, in order to have healthy children when they grow up. Several things must be taken into consideration on that question. In the first place, the State pays a large amount of money for the education of the child, but if the child is not so physically constituted that it can make use of the education what is the use of the education? What is the use of educating a dead child? There must be a sufficient amount of time given to play and recreation. That cannot be done if they have to work after hours, when they go to school. Happiness depends largely on education. Nine-tenths of our pleasure comes from education, and that is what we should do for the children, by educating them, increase their happiness and pleasure in life.

Mr. ELKUS: In other words, it is the duty of the State not alone from charity but from the standpoint of dollars and cents to see that they are properly taken care of?

Dr. DARLINGTON: That is the only point upon which I can rest it as regards the State. The children are the wards of the State, and the State has a right and should improve their condition. I do believe that many of these abuses which have grown up could be eliminated if we had more education. These are matters which must be brought to the attention of the public.

Mr. ELKUS: We must have constant publicity about these things?

Dr. DARLINGTON: Exactly. I believe that this very Commission in bringing out the testimony that it has, and in having it

published in the newspapers, has done a wonderful amount of good because of the publicity that it has received.

MR. ELKUS: We have found that conditions have been improved in many cases because of the publicity.

DR. DARLINGTON: Of course now conditions have wonderfully improved over what they were thirty years ago when I first commenced the practice of medicine. The death rate has been cut in two. On this matter of education I might say that some time ago in my present work, at various times in my present work, I have examined the lunch boxes of a great many workmen. I examined two hundred and fifty lunch buckets of the workingmen, and I found that there is much education needed in the homes as to what should go into a lunch bucket. I found frequently the food was sour, not fit to eat, and you cannot have good, healthy and efficient people until you have proper kind of food. This matter of education should be taken up by the State —

MR. ELKUS: How would you do that, Doctor?

DR. DARLINGTON: Largely through circulars. I would put circulars in the pay envelope. I would put out circulars relating to everything concerning health and hygiene. I have here a circular of that kind which I will submit to the Commission, a circular on flies, which shows the futility of the old method of swatting, killing the flies, shows that the proper method is to clean up the garbage and make clean conditions around, and then you will not have flies.

MR. ELKUS: Removing the cause.

DR. DARLINGTON: That has been translated into nineteen different languages, and has been sent out by the steel industry. Over six hundred and fifty thousand copies of this were distributed last summer.

MR. ELKUS: I would like to get your views on the salary of the Labor Commissioner. You have been a public official and have graduated. What salary do you think ought to be paid to the Labor Commissioner?

Dr. DARLINGTON: I do not like to be personal in the matter, but I found that I was compelled to spend a great deal more money in office than the office paid me. You cannot live upon the ordinary salary and do what is necessary to be done. I feel that the man at the head of the Labor Department in the State of New York should be as highly paid an official, should receive as high pay as any of the large industries would pay their officials. If we were to put it on a business plane, and pay the way they pay bank presidents, or presidents of corporations, or chairmen of the board of directors, you would say thirty or forty or fifty thousand dollars a year, and it would be worth it to the State.

Mr. ELKUS: Many concerns that you are familiar with pay their men large salaries?

Dr. DARLINGTON: Large sums of money.

I believe that these matters should be taken up, good air, wholesome water, non-contaminated food supply, and relief from such factors as detract from the physical comfort. It means better work and contented workmen. It means economy to the corporations. It means placing them outside of the criticism of individuals or State. It means increasing industrial efficiency; it means decreased loss of time from illness; a decreased death rate from illness; a decreased death rate from illness, better living conditions, and it means economy to a great extent in the household.

Mr. ELKUS: Doctor, will you be kind enough to furnish the Commission with such matters in addition along the lines as you have indicated as you may wish, and we will have it added to your testimony.

Dr. DARLINGTON: Very well.

Mr. ELKUS: We are very much obliged to you.

Mr. FRANK M. CURRAN, of 1203 Sterling place, Brooklyn, stated that he wished to be heard by the Commission.

Mr. ELKUS: Whom do you represent?

Mr. CURRAN: About one thousand railroad men in Kings County.

Mr. ELKUS: And you want to speak on what subject?

Mr. CURRAN: Article 2, section 6 of the Labor Law, referring to the hours of labor of conductors and switchmen and the trainmen.

About a year ago I appeared before the Public Service Commission, before Mr. J. Sargeant Cram, and took up this matter pertaining to the hours of labor. He found that he had no jurisdiction whatsoever, and I took it up with Mr. Williams, the Labor Commissioner of the State. I have had two or three interviews with Mr. Williams, and he claimed that he had no power whatsoever, that he had no jurisdiction, that it was up to the Attorney-General. I had an audience with the Attorney-General, and he told me that it was up to Mr. Williams to enforce the law as it read upon the books. I have here some of the violations that actually happened in the borough of Brooklyn.

I wish to say in reference to this that it is a menace to life and property to have men work such long hours. There is a law on the statute books that a man should work nine and one-half hours and have a half hour for dinner. I took the matter up with J. Sargeant Cram, and he claimed he had no jurisdiction whatsoever. Time and again I took it up with Mr. Williams, the Labor Commissioner, and I have not had any reply from Mr. Williams whatsoever. I presume he investigated it, but there never has been any relief so far as I could see.

Commissioner DOWLING: If there is a law now, what is the use of making another, if you cannot enforce the present law?

Mr. CURRAN: I should think that the State should see that this law was enforced, and they should put proper men at the head to see that the law is enforced, because there is nobody safe in crossing our streets when men are worked these hours. These men, when they work fourteen or fifteen hours, are not able to go to work the next day. They do not have enough time to sleep, and I will call your attention to a few things that happened to show the necessity for bringing the matter to the attention of the Legislature. In the month of April there were 3,301 accidents in the Greater City of New York. In the month of April there were 3,301 persons injured on the street railways, subways and ele-

vated railroads in New York city. Of that number 22 were killed, 6 received fractures of the skull, 24 had arms and legs broken, and there were 104 other different injuries of a serious nature. The same month last year there were 2,846 persons injured, and in 1910, 2,805. You can see from the statistics that they have been increasing. I wish to call the attention of the Commission to an accident that happened at Springfield crossing where an automobile struck the end of a train and three people were killed. The gateman worked twelve hours a day. They are permitted no time off, but must attend to their eating and other wants as best they can. For this work they receive \$1.35. In the absence of the automatic signals they must not only listen for the bells, but they must keep a sharp eye out for the new electric trains, which are almost noiseless. I have here a clipping from the New York Times —

Mr. ELKUS: I do not like to interrupt you, but we think we have got the idea of your complaint, what you are complaining about, and we will see what can be done to help you.

Mr. CURRAN: I wanted to speak about the vestibules on the cars. They are not proper vestibules.

Mr. ELKUS: I do not think we have anything to do with that.

Mr. CURRAN: That is up to the Department of Health.

Mr. ELKUS: They have authority to remedy that.

Mr. CURRAN: They have not done so so far.

Commissioner DOWLING: We are concerned with conditions in factories.

The CHAIRMAN: The Commission stands adjourned subject to the call of the chair.

HEARING BEFORE JOINT SENATE AND ASSEMBLY COMMITTEES ON LABOR AND INDUSTRY ON BILLS RECOMMENDED BY THE STATE FACTORY INVESTIGATING COMMISSION, HELD IN THE ASSEMBLY CHAMBER, AT THE CAPITOL, ALBANY, NEW YORK, WEDNESDAY, FEBRUARY 19, 1913, AT 2:30 P. M. *

Present:

Members of the Senate Committee on Labor and Industry:

Senator GRIFFIN, *Chairman*,

Senator FITZGERALD,

Senator CARSWELL,

Senator WILSON,

Senator WENDE,

Senator WAGNER,

Senator COATS,

Senator SALANT.

Members of the Assembly Committee on Labor and Industry:

Assemblyman PATRIE, *Chairman*,

Assemblyman M. GREENBERG.

Assemblyman EMDEN,

Assemblyman SCHIFFERDECKER,

Assemblyman PULLMAN,

Assemblyman BUTTS,

Assemblyman BENNINGER,

Assemblyman CRONIN,

Assemblyman PHILLIPS,

Assemblyman McMAHON,

Assemblyman SMALL,

Assemblyman SULLIVAN,

Assemblyman EDWARDS.

Assemblyman PATRIE: The committee will now come to order. Now, gentleman and ladies, I would like to introduce to you Senator Griffin, who is not a stranger among you, who will pre-

* These are the bills recommended by the Commission, in final form, and are to be found in Appendix I of the first volume of the Report. These should not be confused with the "tentative" bills discussed at the foregoing hearings.

side over this meeting and direct the course thereof. Senator Griffin.

Senator GRIFFIN: Ladies and gentlemen. The bills which are up for consideration before the Joint Committees of the Senate and Assembly to-day arrange themselves into five groups. The first relates to the reorganization of the Labor Department; the second group relates to child employment in canneries, night work of women and tenement-house work; the third group relates to cleaning and sanitation. The fourth group relates to fire hazard bills. The fifth group relates to bakeries. The sixth group relates to women employed in foundries.

Now, for convenience, these bills have been divided up into six groups. The negative side of the question will be heard first. Those opposed to these bills will be heard first. And in view of the largeness of the attendance here and the number of the persons who desire to be heard, the time of each speaker will be limited to five minutes. Before proceeding to hear the opposition to these bills I want to take the pleasure of introducing to those gathered here to-day, the President Pro Tempore of the Senate, Senator Wagner, the Chairman of the Commission which drafted these bills. Senator Wagner. (Applause.)

Senator WAGNER: Mr. Chairman and Members of the Committee: As to the merits of these bills, I shall not say anything at this time. My opportunity to deliver an oration will come when they come before the Senate for final consideration where I have no doubt they will all be passed. I desire, however, to call the attention of the public to the sincere co-operation which this Commission has had throughout its labors, and without this co-operation our work would have been a failure; with it, I believe, it has been a great success. I think that the counsel to the Commission, Abram I. Elkus, should receive the gratitude of the people of this State (Applause) for the tremendous service which he rendered to this Commission, all of which he has done without any compensation. I do not know of any parallel case of work done on behalf of legislation of this kind where a practicing attorney having a large business has sacrificed all that in order that he might serve the people of the State without any compensation

to himself except such as will come from the enactment of this legislation into law, which I think he will see done.

The reason you will find probably very little opposition to these bills now will be due to the fact that the Factory Commission had a procedure which I think is novel as far as legislative committees are concerned. After we finished our investigations of these very important subjects with respect to our workmen and women and children in the State, we drafted proposed legislation. We didn't wait to hear opposition to them before the different committees of the Legislature after these bills would be introduced, but we went throughout this State and in all the important cities we invited criticism of our proposed laws and had manufacturers and working people come before us alike, all of whom received as courteous treatment, I think, as we were able to give. We permitted them to call any witnesses they desired to have called, had them sworn and permitted any who desired to appear by counsel, to be so represented. And it is after these thorough hearings and these thorough investigations that the bills now finally come before you.

I desire to thank the number of civic organizations too numerous for me to mention now who gave their unselfish service so that our work might be a success, and as I said before, without their aid, without their assistance, our work would have been a failure. And I do believe now that if the legislation which we propose will be enacted into law, as I know it will be, the State of New York, instead of being behind some of the other states in labor legislation, that is, legislation for the benefit of our working men and working women, will stand first of any State in the Union in beneficial labor laws. (Applause.)

I should like, before the opposition is heard, to ask that the counsel to the Commission be introduced to say a few words. (Applause.)

Senator GRIFFIN: I now have the honor of introducing Mr. Abram I. Elkus, the counsel to the Commission, who will offer a brief explanation of these bills. (Applause.)

Mr. ELKUS: Mr. Chairman and Ladies and Gentlemen: The purpose of these bills has been so often stated and is probably so

well known to most of you here that it needs but little explanation upon my part. The Chairman very clearly explained the division of the bills into six groups. And the first group which I will take the liberty of describing briefly covers the bills to reorganize the Labor Department. There are in number five distinct bills for that purpose, but they have now been redrafted into one bill to cover the whole subject, as was stated in the prospectus when these bills were first introduced. The first bill provides for the creation of an industrial board of five persons, one of whom shall be the Commissioner of Labor. This industrial board is empowered to make special investigations into industrial conditions and to make recommendations and rules which will cover the details necessary for the preservation of health and safety of employees in different industries. The members of this board are appointed by the Governor with the advice of the Senate. One member of this board will represent labor, one represent the employers, one be a scientist and one a woman.

The next bill, No. 2, provides for the increase of the salary of the Commissioner of Labor from \$5,500 to \$8,000 a year; provides for a redistribution of the bureaus making up the Labor Department now, increases the number of factory inspectors from 92 to 125, the additional inspectors to be taken from the Civil Service eligible list; it provides for a division of industrial hygiene composed of a mechanical engineer and analytical chemist and a civil engineer who shall be an expert in fire prevention, and also creates a section of medical inspection with a chief medical inspector in charge.

The next bill, No. 3, provides for an increase of jurisdiction over mercantile establishments so as to cover the cities of the second class, the jurisdiction of the department now covering only cities of the first class.

It provides in bill No. 4 for an increase in the number of mercantile inspectors from ten to twenty, four of whom shall be women.

Bill No. 5 has a provision requiring the posting of copies of digests of the Labor Law and of the Industrial Code in the various establishments which they cover. Now, these are briefly the five bills providing for the reorganization of the Labor Department,

and I suggest, Mr. Chairman, that both sides, if there be both sides, be heard with reference to that group of bills, and then we will be through with it, and then take up the same course thereafter and at the proper time I will make a brief statement as to the other bills, if I may.

Senator GRIFFIN: All those who desire to be heard in opposition to the first group of bills will please signify their wish. Is there anybody to be heard in opposition to either or any of these five bills.

(No response.)

Senator GRIFFIN: I don't think there is.

Mr. LUNDRIGAN: I don't know that I care to be heard in opposition to the bill, but I would like to be heard with reference to possibly making some changes in the construction of one particular subdivision.

Senator GRIFFIN: Well, if you have any suggestion or amendment to make to any of these bills in the first group, this is the proper time to make your suggestion, and you will be heard then in the light of an opponent of the bill insofar as the bill is considered at the present time.

Mr. JOHN LUNDRIGAN, of Buffalo, then addressed the Committee as follows:

Mr. LUNDRIGAN: Now, Mr. Chairman and Gentlemen of the Commission: The only interest I have in this subdivision of the bill is in the compensation that has been fixed for the different officers that are charged with the administration of the Department of Labor. So far as your deputies are concerned, I might say in the absence of any fixed salary for the particular bureau of this department that I have in mind, it was my fortune, good or bad, to have had some experience in this department and to have been known what is known as the chief mediator or the chairman of the State Board of Mediation and Arbitration for several years. And when I stop to think that the present Second Deputy Commissioner of Labor, who is by statute created as the chief mediator between the employers and employees of this great

State of New York, when I consider that he is also by virtue of the statutes of this State, the chairman of your State Board of Mediation and Arbitration, I simply come here in view of the fact that I myself have had some personal experience in that position, and I presume I might say, in justice to myself more than anything else, that I was one of the few who did have an opportunity to resign. I believe that it is a reflection on the importance of the subject of dealing with the relations between employer and employees, I believe it is a reflection on the character and capability of the individual who might be selected for that place, or who even might aspire to that place, to place him in the category of being worth about two-thirds of the annual compensation that the statute itself provides for. For instance, the Chief Factory Inspector, who, if you please, is nothing more than a policeman, is absolutely charged with no other duty except that which is specifically expected of him by the statute. They are not the men who may be selected or who may aspire or who may secure this other position. But this man is going to have no other weapon, he is going to have no other requirements of any kind or description in discharging the duties of his office except his own mental capacity to possibly create satisfactory relations between the employer and employee of this State. And when I stop to think that only yesterday, just this morning, we find heralded as the principal news item of our times, the problem that two gentlemen occupying this relative position so far as government is concerned, have been able to conserve the industrial energy of this great United States by avoiding a possible conflict and possible interruption of operation on fifty-two railroads in this State.

Senator GRIFFIN: Pardon me. Mr. Lundrigan, you have about one minute. You haven't stated what your amendment is.

Mr. LUNDRIGAN: My amendment is, Mr. Chairman, that I believe that the man who occupies this position ought to be worth as much money as any man in the department, and I would suggest that the salary be fixed at \$5,000 a year. I thank you.

Mr. ELKUS: Bureau of Mediation?

Mr. LUNDRIGAN: I mean the man who shall act as Chief Mediator and Chairman of the Board of Mediation.

Mr. ELKUS: He now gets how much?

Mr. LUNDRIGAN: \$3,500.

Mr. ELKUS: That is your only amendment?

Mr. LUNDRIGAN: That is all.

Senator GRIFFIN: Any one else in opposition?

Mr. J. F. CONNOR, representing the New York State Canners' Association, then addressed the Committee as follows:

Mr. CONNOR: I appear for the New York State Canners' Association on a number of these bills, and I have authority also to record a number of other organizations. The list I will furnish your secretary.

Senator GRIFFIN: You can do that later.

Mr. CONNOR: Yes. Now, on the bill creating the industrial board, the board of control, we think the bill should be so amended as to change the compensation from \$3,000 to \$5,000 for the members of the board. The association that I represent will be largely affected by the operations of the board that you propose to establish; and we feel that the State cannot expect to call to its service on this important board men of judgment and mind and sufficient experience to give to the State the very best results, unless you change the compensation of these men from \$3,000 a year to \$5,000 a year. Now, we believe in your board of control. We think that it is to be an instrument either for good or for ill, and we believe if you will appoint a number of the class of men that we suggest that the board will work out a tremendous and a substantial good for the people of the State. We therefore ask your committee to change from \$3,000 to \$5,000 the compensation.

Mr. ELKUS: Otherwise you approve the bill?

Mr. CONNOR: We do.

Mr. ELKUS: And you approve it as far as it goes, only you think they ought to have more salaries?

Mr. CONNOR: Yes.

Senator GRIFFIN: Is there any one else who desires to be heard in opposition to this group of bills? If not, we will hear the affirmative.

Mr. GEORGE B. MCGOVERN, representing the Yonkers Federation of Labor, then addressed the Committee as follows:

Mr. MCGOVERN: Mr. Chairman, Gentlemen and Members of the Commission: I object; I believe that two of the bills should be amended; those to which I refer is that of the reorganization of the Labor Department and the creation of an advisory board. I believe that the salary as fixed in this bill is too much. I think that this bill — that a salary of \$100 a week is sufficient for a man holding that position. Furthermore, that is a burden on the people. The people have to pay that, and there are lots of people in the State of New York that are not getting over \$10 a week, and if a workman is only getting \$10 I think a man who holds that position should hold it for \$5,000 and hold it very comfortably. Further, it is my belief that the man in that office is so prominent, it concerns so directly the interests of the people, that no one man should have the say as to who is to be the Commissioner of Labor. I believe that the Commissioner of Labor should be elected by the people, that he should be elected in the off year. This legislation affects over 2,000,000 people in the State of New York, it affects their lives, it affects their health, and judging by the administration of the office in the past and by the results which have been done it seems to me that every one of the officials have a misconception of the purpose for which this Labor Department was created. This is an aggressive department. It should be parallel with the office of a district attorney of a county. The report of this Commission shows that in the past commissioners have been very lenient towards the rights of property. My belief is, and the belief of the men that I represent is, that the duty of this commissioner is to conserve health and life and prevention of accidents. That is our belief in that proposition.

Now, another part of that law or proposed bill provides that there shall be a number of deputies. Deputy, deputy, deputy; first one deputy, and then another, and then another; one after the other. It makes this department top-heavy with overhead

charges, with supervision charges. Now, so far as the advisory board is concerned, that proposition, I think the best that can be said for that is that their recommendations will have the force of law. Now, I have had considerable experience with labor legislation, to get a law — that is, in trying to get a law in force, that is, try to get a law in force without getting something which has the force of law. Besides that advisory board bill contains a provision that their action may be vetoed by the Commissioner of Labor.

Mr. ELKUS: No, it does not; you are mistaken.

Mr. MCGOVERN: Have you stricken that out?

Mr. ELKUS: You are mistaken about that, and you are mistaken about the deputies; there are no more deputies now than there were before.

Senator WAGNER: You didn't read the bill as introduced.

Mr. MCGOVERN: I read the copy which was furnished to me.

Mr. ELKUS: That bill is about six months old. (Indicating paper in Mr. McGovern's hands.)

Senator WAGNER: You don't mean the bill that is introduced in the Legislature?

Mr. MCGOVERN: That is my impression.

Senator WAGNER: Have you got the bill?

Mr. ELKUS: That was a tentative proposition.

Mr. MCGOVERN: Even at that, there is a good deal of supervision; there is going to be 125 men in the department. My gracious, what do you want for to look after 125 men? Would any business organization in the United States stand for so many subordinates.

Senator GRIFFIN: Are you a member of the Federation of Labor?

Mr. MCGOVERN: Yes, sir.

Senator GRIFFIN: Mr. McGovern, do you know that the convention of the New York State Federation of Labor held at Poughkeepsie last year approved of all of these bills?

Mr. MCGOVERN: I do not.

Senator GRIFFIN: Well, we have a letter from Peter J. Brady, Secretary of the Allied Printing Trades, which informs us to that effect.

Senator WAGNER: So did the National Association.

Mr. MCGOVERN: Mr. Chairman, the body that I represent, it is probable it may have reconsidered the action of that convention. I believe that prior to the hearing which was held in the city of Yonkers those things, the bills were discussed, and they were discussed considerably since then.

Senator GRIFFIN: We announced that the speakers would be confined to five minutes, and your time is up, and I would suggest that you submit your proposed amendment in writing to the committee.

Mr. MCGOVERN: Yes.

Senator GRIFFIN: If there is no one else to be heard in opposition to this group of bills I will now call upon Dr. Samuel McCune Lindsay, to speak in behalf of the bills.

Dr. SAMUEL MCCUNE LINDSAY, President of the New York Association for Labor Legislation, addressed the committee as follows:

Dr. LINDSAY: The propositions contained in these thirty-two bills are, in their essence, contained in these five bills for the reorganization of the Labor Department. And I venture to suggest that proposition would be little less than revolutionary were it not for the information that we now have before us as a result of the report of the Factory Investigating Commission; and, although the time is so brief that is allowed each speaker on these bills, I feel I would be remiss in opening the discussion in favor of these bills if I did not refer to the epoch-making report of that Commission and express what has been said in all parts

of this State by various organizations and all sorts of groups of our citizens — the warmest words of praise for this measure and the policy that the State has adopted in first making an impartial inquiry into our working conditions.

There is probably no State in the Union that faces as grave a situation in dealing with its labor problems, where industry is more complex, where they have a larger number of factories to deal with and a greater number of men and women engaged as wage earners, than in the State of New York.

Now, the essence, as I take it, of these five bills for the reorganization of the Labor Department, Mr. Chairman, is that, first of all, we shall magnify the position of Commissioner of Labor in this State by creating alongside of the Commissioner and as a part of his position an industrial board of which he is chairman and in which he could, with four associates, have the power conferred upon him to do what the Legislature, with the magnitude of work that it has on its hands, never can do — make the Labor Law in this State really effective and enforce it equitably and justly toward all men at all times.

Now, we have abundant precedent for this method of doing this tremendous task. There is a parallel to this Commission in the history of labor legislation. Prior to 1833, in fact for a period of thirty-one years, the British nation was legislating on the control and regulation of factories and the conditions of labor. And it was not until the British nation was aroused by the report of a great commission that reported in 1833 — a report that in many ways parallels the report that we now have before us of conditions in the State of New York — that there was set in force a method of dealing with labor legislation that has made the labor legislation of England really effective and has made it a model for the rest of the world. There was established in 1833, as a result of the report of the commission, for the first time in history, the principle of factory inspection, of the State interfering, of the State supervising the conditions of employment in the State.

So we have here a mass of labor legislation to deal with, already on our statute books, some of it very good, some of it ineffectual, some of it almost impossible to enforce. Your legislative body, Mr. Chairman, was called upon from year to year to enact new

labor laws. Now, I submit that you will find it impossible to deal with these affairs and to keep our Labor Law up to date if you have to work solely with the machinery that you have here, together with the other public business that you have to transact. And the essential point in this reorganization is that the office of the Commissioner of Labor is to be made more important, more responsible to the Legislature, more responsible to the people of the State, and that alongside of the Commissioner of Labor there are to be four chosen men who are to be chosen with the greatest possible wisdom, who ought to be paid the highest compensation necessary to get the people of ability that we have in the State, who will have power to make rules and regulations that will have the force of law, rules and regulations which will begin the important work of construction in this State, and to have an industrial code — a code that will parallel our health code — that will be for the protection of the children of the State who are engaged in industry, for the protection of the working women of the State, and, most of all, for the protection of the health of men, women and children alike in every industry in this State in such a way that the honest manufacturers, the honest employers, will be protected as well as the honest workingmen. And I believe that we are on the eve of a new departure of great moment in this State. And I hope, sir, that your Committee will favorably recommend the organization of this industrial board and will provide for that organization and give them the powers that they will exercise in support of constructive statesmanship of these bills that are now before you. These have been carefully drafted. They represent the expert wisdom of men like the counsel to this Commission, the Chairman and Members of the Commission, and a great many other persons who have co-operated with them, and they also represent a method that has been tried and not found wanting elsewhere. They give promise of a new future for labor legislation in this State that is very beneficial indeed. And I believe it will do what has been said here this afternoon, it will put the State, with its complex labor problems, in the forefront of the American States legislating for the welfare, the health and the protection of its working people. (Applause.)

Senator GRIFFIN: I will now call upon Mr. Henry Morgenthau to say a few words in behalf of the bills.

Senator SALANT: This was also taken from the Progressive Party.

Senator WAGNER: Our bills were prepared and proposed before your platform was written. I am glad to see the Progressive Party follow us in that regard.

Senator GRIFFIN: Mr. Morgenthau.

Mr. HENRY MORGENTHAU then addressed the Committee as follows:

Mr. MORGENTHAU: Mr. Chairman, I labor under the disadvantage that I have not listened to what has gone ahead of me, so I may repeat; I have been outside of the chamber.

Senator GRIFFIN: Well, the only thing that was said about the bills, or against them, was that they did not provide for a large enough salary.

Mr. MORGENTHAU: For large enough salary?

Senator GRIFFIN: Yes.

Mr. MORGENTHAU: As you know, this Committee was organized after the Asch fire. It awakened the public to what a terrible condition the working classes were being subjected to. When we investigated it, we found there was only one parallel in the history of the world, and that was the galley slaves that were chained down to row the boats in times of old. These poor people were locked in the rooms and could not get out at the time that this tremendous accident happened. Now, we think that the time has come to change that and see that proper provisions are made. Years ago, when the laws regulating new buildings were enacted, the real estate owners at first thought they were being injured, that it would be unprofitable to provide proper housing for people. They stopped building tenement houses for a number of years, and when they commenced again they found that the new law was extremely beneficent. It seems that these laws which will pre-

vent a recurrence of such accidents and furthermore, will assure and secure and protect the lives of the working classes are absolutely essential. There are in New York many nonunion laborers. They have no one to speak for them; they have no one to demand their rights. And I think we must look to the Legislature to see that those people are properly protected. It seems to me so obvious, the necessity of this legislation, that there is not much use arguing about it. But I can say this: That all the hardships that it may put upon the real estate owners they will gladly bear if it helps to benefit the laboring classes and lessen the loss of life.

Senator SALANT: In what way will it be a hardship on the real estate owners?

Mr. MORGENTHAU: Well, now, some of these provisions which compel the real estate owners —

Mr. ELKUS (Interrupting): You are discussing the wrong group of bills.

Mr. MORGENTHAU: You are going to discuss all the bills in the course of the session, aren't you?

Mr. ELKUS: Yes, later.

Mr. MORGENTHAU: If you don't mind my being a little ahead of it I will continue. And as I understood that I was to speak primarily on the question of fire prevention and as a representative real estate owner I state our position on that matter. Wasn't that the idea?

Assemblyman PATRIE: Yes, sir.

Mr. MORGENTHAU: I was just answering the question. I figure this way, that if the real estate owners are compelled to alter their buildings and put to some expense, they will not object to it if it will secure the safety of those who labor in the buildings.

Assemblyman PATRIE: We will next hear from the Honorable John Williams, Commissioner of Labor.

HON. JOHN WILLIAMS, Commissioner of Labor, then addressed the Committee as follows:

MR. KORN: May I ask what real estate interests Mr. Morgenthau represents?

SENATOR WAGNER: As a representative real estate man he said.

MR. WILLIAMS: It is a source of great satisfaction to me that I am privileged to appear before you today to say a word or two in behalf of measures the substance of which we have been urging, and urging repeatedly, upon the Legislature and the people of this State in our annual reports.

Before I go any further, I desire to supplement, if I may, what Dr. Lindsay said concerning the work of the Commission. And I think I know perhaps as well as any one outside of the members of the Commission themselves how thorough and comprehensive was the investigation that was conducted by the Commission. It was broad and comprehensive to a greater degree undoubtedly than any other similar investigation ever undertaken in the State. The Commission has builded for itself in its report a monument that will ever remain to its credit and to the credit and to the glory of the people of the State of New York. (Applause.)

The recommendations of the Commission that we are considering here are constructive and thoroughgoing. I am now speaking of the regulations relating to the reorganization of the Department of Labor. And I agree with what Dr. Lindsay has said as to the worth and importance of this great body of recommendations that are presented in this appendix to the report of the Commission which I have in my hand. There isn't any doubt in my mind that the most important of all the recommendations of the Commission are those concerned with the agency provided by the State for the administration of these laws. We have time and again said, and it needs not to be repeated here, that legislative enactment without adequate provision for its enforcement is idle and almost useless. Its value consists only in its moral effect. But here the Commission proposes an organization for the enforcement of the law second to none as to its form, as to its plan and scope, and second to none that I know of in the world.

The organization of the Bureau of Factory Inspection has been mentioned. Counsel made reference to the fact that the bills proposed to increase to 125 the number of factory inspectors. As a matter of fact, it makes possible a much larger increase. It provides that there shall be not less than 125. The provision in the present law is that there shall be not more than 125. That change is very significant, and it deserves the earnest support, the hearty approval, not only of the members of the Joint Legislative Committee sitting here today, but of the people of the entire State. And I am convinced, by the absence of opposition, that that is the case.

Just one word and I am done, Mr. Chairman. On the question of salaries. I take advanced ground on the subject of salaries, and in this matter I have no selfish interest to serve. I believe that the Commissioner of Labor of the State of New York should receive not \$8,000 per annum; I believe that this job is big enough, is important enough, to command a salary at least of \$10,000 per annum.

What department of government can you point to that is charged with duties of greater human interest than that which is charged with the safeguarding of the interests of two millions, more than one-fifth the population of the Empire State? And it is absurd. Mr. Chairman and gentlemen of the Committee, for any one to come here and to urge that the salary proposed is too large. It is too small. I think that the position ought to recognize, in point of salary, the tremendous tasks imposed. And I want to say that the man who may be selected to administer the Department of Labor after the reorganization — if he grasps the full significance of all that is committed to him — will have to be indeed a man of rare attainments.

I sincerely congratulate the Commission upon its splendid work and upon the presentation of these bills. (Applause.)

Assemblyman PATRIE: Gentlemen, we have with us to-day a very large number of real, real ladies, I believe, and I wonder if it is asking too much if we refrain from smoking during the remainder of the period. (Applause.)

Assemblyman PATRIE: I don't like to admonish the speakers to be brief each time, but it will be necessary to confine yourself

to approximately five minutes as there is so large a number. We have with us a very distinguished gentleman who is interested in this matter, Mr. Gompers. (Applause.)

Senator WAGNER: A member of the Commission.

Mr. SAMUEL GOMPERS, President of the American Federation of Labor, then addressed the Committee as follows:

Mr. GOMPERS: Mr. Chairman and Gentlemen of the Committee: It is most gratifying to be present to-day and to hear the praise from all quarters about the work of a Commission which has done such good work. I am additionally proud of having been one of the Commission. And it is not so often that either a committee or a commission receives such general unanimous commendation for its work. I may take even a moment of my time to say that the Commission, made up, as it was, of volunteer workers, volunteer appointees by the Governor of this State, and under the leadership of Senator Wagner, who has devoted so much of his time outside of his legislative work, that gave evidence, and gives evidence, not only of what he has done, but promise of what he proposes to do to clear up another situation in the body politic of this State. The Vice-Chairman, the Speaker of the Assembly — Mr. Smith, has given equally valuable service and attendance. And while I am not going to take up my time by bestowing praise, I think that I ought to say that under the wise direction of our counsel, Mr. Elkus, and his able assistant, Mr. Shientag, we have done something for which we feel that we have good cause to have some satisfaction, if not pride.

And it is additionally gratifying to me, as one who has given many years of his life to this work, to find this humane assemblage of men and women of our State from all walks of life. I remember more than twenty-eight years ago when we were petitioning and pleading with the Legislature of the State of New York to establish the Bureau of Labor; when the committees of the Legislature would grudgingly yield us, we would have a corporal's guard to add to our pleas. And now this is a great assemblage, and it is indeed gratifying.

But I want to address myself to the bills, if I may, Mr. Chairman, ask the indulgence of the Committee, that I may traverse

over some of the bills or the proposed bills under consideration rather than to confine myself to the bill or the series of bills in the first group. I have a duty to perform before a Senate committee on another bill, the Workmen's Compensation bill, the committee now being in session, and I won't have the privilege of remaining here more than a few minutes.

It is indeed gratifying to me as a man, as a citizen, as well as a member of the Commission, to find that there have been but two gentlemen appearing before this Committee interposing objections, and the objections are in themselves of a very minor character. What matters it to the gentlemen who appear in opposition to the question of salaries of deputies, so long as the fundamental purpose of this series of legislation is enacted? What matters it to you, or to me, or to the people of the State of New York, whether the salary of the commissioner shall be \$10,000 or \$5,000? Is there any work committed to any department of our government as important as is contemplated by the legislation under consideration? Our Commission has recommended \$8,000 as the salary for the commissioner. It is not a very large sum, nor is it a beggarly salary. It is one which will compensate a man fairly, to give the best that is in him and to devote his time and his talents exclusively to this work. And the people of the State of New York should hardly urge as an objection to one of these bills that we are taxpayers and have to bear the burden, and the suggestion is made to reduce the salary from \$8,000 to \$5,000. In other words, it is a matter of \$3,000, and heaven knows the taxpayers of the State of New York have had to bear some burdens hardly as useful as will be the burdens of this infinitesimal increase. I should be very glad in time to have the Commissioner of Labor elected by the people. I should first prefer that we establish the department upon such a basis that we shall secure it for all time as one of the most important departments of our government. It has to deal with the living, human elements of our State. We are spending immense sums of money for our political State, and it seems to me in this new era that has opened and is widening, of legislation of an industrial character that deals with the greatest and deepest element of human interest in all our State, we can well defer the consideration of electing the commis-

sioner until some other more opportune time after the industrial department has been established.

As to one particular fact, I cannot refrain from referring, and that is that the Commission discovered that children of the age of four years were found at work in the great Empire State of New York. Children four years of age were found at work. I concede that they were not carrying hod; I concede that they were not doing great laborious work. But the mere fact that a child, one child in all the State of New York, is employed at the age of four years for the profit of an employer is a stigma from which we should rid ourselves at once. (Applause.)

We are undertaking not to curb industry, not to curb commerce, not to curb the energies, the production and the wealth of our State and our people. What we are trying to do is to eliminate the evils which attend modern industry, to curb cupidity and greed in the interest of the people of our State. It means economy, efficiency, success, industrially, commercially, humanely. It means that the State of New York will give a new meaning to the right to the protection of human life.

One feels under great restraint when he knows that his time is limited; he has much to say and so little time in which to say it. But may I add my words with those who have already expressed themselves and those who may follow, Mr. Chairman and gentlemen of the Committee, that the Committee will report these bills favorably to your respective Houses and that the Legislature of the State of New York will enter upon this new era to give life and meaning and purpose to the work of constructive, humane, industrial statesmanship supplementary to the magnificent political statesmanship manifested in our history. (Applause.)

Assemblyman PATRIE: I might add a word to what I said in regard to Brother Gompers, that he also, as you all well know, was a member of this distinguished Commission. We will hear just briefly from Mr. Peter J. Brady, I believe, from the Allied Printing Trades Union.

MR. PETER J. BRADY, representing the Allied Printing Trades, then addressed the Committee as follows:

MR. BRADY: Mr. Chairman and Brother Members of the Committee: I don't know how to express how much pleasure it gives

me of having an opportunity to come before the Committee this afternoon and express to you my most gratified approval of the bills submitted to you by the Commission. The printing industry of the State of New York, that is, the organized printing industry of the State of New York, has been vitally interested in the work of the Commission ever since it has been created two years ago, and has done everything it possibly could to bring to light the abuses existing in various industries. While we members of the unions have been able to a certain extent to secure better conditions for the members of our various organizations, we have appreciated that there are a large number of unorganized people throughout the State of New York who need protection and need it in every possible way and shape that it is possible for them to get.

As to the bills, or the various bills before your Committee for consideration, I am not going to say anything with reference to them outside of this: I believe that the Commission itself in conducting its investigations for two years has arrived at very wise conclusions as to what administrative forces should prevail in the State of New York for giving better protection to the workmen and women and the children wherever they may be employed. And I believe that the conclusions of the Committee are the proper ones and the ones which should be enacted into law at the earliest possible moment. I am of the firm opinion that the State of New York should be in the forefront, should take the initiative in all matters of social reform legislation. I believe that when the bills before you, before your Committee for consideration, are adopted that the Empire State will be the first in the Union, and furthermore, will be an example for all other States to follow, in enacting legislation which will be for the benefit of the workers.

In conclusion I want to say this, that while the Committee has conducted an investigation and has given a great deal of their time and a great deal of their services gratis to the people of the State of New York, I want to emphasize this fact: That work of this nature has only commenced. I want to emphasize the fact further that I hope your Committee in making a report on these bills to the various Houses which you represent will unanimously endorse the continuation of the State Factory Investigation Com-

mission so that it may take up other lines of endeavor and investigation and reform legislation. We have in New York State, on account of not having sufficient administrative forces to follow up the industrial development of the State what you might call a great cancerous growth in our industrial world. The only way that we can remove it is by first finding out its location. I believe that the Commission in conducting its investigation can find out where the other parts of the cancerous growth are in our industrial conditions of the State of New York and be able to recommend to future sessions of the Legislature such legislation as will bring about needed and necessary relief to the workers in all branches of industry and afford them every protection that they desire, not only with reference to the conditions under which they work, but that the Commission may also take up the wage question to see if they can bring about a condition of industry so that the Commission may recommend such legislation in the industries that will insure at least a living wage. I am of the firm opinion that the State of New York has no desire to harbor within its confines an industry which is not paying a living wage to the people who are employed therein, which is not giving the employees an opportunity to become fully developed.

I therefore ask your Committee in arriving finally at their conclusions to be particularly careful that they recommend to both branches of the Legislature the continuation of the Commission, providing further that if they are not asking for sufficient funds to carry on their work in an efficient and capable manner, that sufficient means be devised for placing sufficient funds at their disposal, because the Commission's work has only commenced and New York State should always be the first. And I hope and trust that the Committee will adopt those recommendations. (Applause.)

Assemblyman PATRIE: We have consumed more than our allotted time in the discussion of this subject, and we now come to the subject which is really important. Perhaps next to the organization of the department, the greatest in importance is the protection to the home. I say we won't permit conditions to exist here in this great State whereby the home is weakened and the monarch is permitted to become tired and such a condition is

created where the offspring is affected. The vitally important question to-day is how to protect in the best possible and reasonable manner the American home. This bill coming along now next for discussion, the employment of women and children, is of vital importance, and Mr. Elkus will discuss it briefly.

Mr. ELKUS: Mr. Chairman and Members of the Committee: There are now eight bills to be considered, bills 11 to 18. Bill No. 11 prohibits the employment of children under fourteen in a factory or for a factory directly or through the instrumentality of contractors. It extends the definition of a factory to include cannery sheds and it limits the employment of young children in the cannery sheds and in manufacturing in tenement houses. The law now is that no children may be employed in a factory under fourteen years of age, or between fourteen and sixteen without permission or certificate of the board of health. This law has not applied to children employed in tenement homes or in sheds attached to canneries. And this bill is designed to prevent that in the future.

The next bill, No. 12, provides that no articles shall be manufactured in a tenement house unless a license is obtained therefor, which may be revoked if children are unlawfully employed or the work is done under unsanitary conditions. The bill also requires owners of factories sending goods to tenement houses to have a sign or label, and it absolutely prohibits in tenement houses the making of all food products, dolls and dolls' clothing and infants and children's wearing apparel.

Bill No. 13 limits the hours of labor of women in canneries between June 15th and October 15th to sixty hours a week. In every other employment the law prohibits this employment at all times to fifty-four hours a week. The law also permits women in canneries employed between June 25th and August 5th to work sixty-six hours a week if permission be granted by the industrial board.

Bill No. 14 gives the Commissioner of Labor jurisdiction over sanitary conditions in housing quarters maintained by a factory for its employees.

Bill No. 15 requires a better physical examination for children between fourteen and sixteen and permits the Commissioner to cancel an employment certificate if a child be found ill.

Bill No. 16 is a provision with respect to the issuance of employment certificates.

Bill No. 17 prohibits the employment at night work of women, that is, in factories after ten o'clock at night and before six o'clock in the morning.

Bill No. 18 provides that where women are employed at work which can be done in a sitting posture seats shall be provided for them where practicable.

Assemblyman PATRIE: Gentlemen, if I was aware that there were many people to be heard, it would be necessary to limit the time, and I would like first to hear what opposition there is, if any, to these bills, and we can perhaps determine whether very many persons are to be heard; otherwise it would not be necessary to limit it as to time.

(Mr. Connor signified that he desired to be heard in opposition.)

Mr. ELKUS: Mr. Connor, do you oppose all the bills?

Mr. CONNOR: No.

Mr. ELKUS: Will you state which ones you oppose?

Mr. CONNOR: There are only two bills, the bills affecting the hours of labor of minors and the bill affecting the hours of labor of women, that we are opposing.

Mr. ELKUS: You appear for the Cannery Association?

Mr. CONNOR: I appear for the New York State Cannery Association, and I wish to enter a special appearance for the purpose of recording the opposition of certain other organizations. But I want to suggest to your chairman and to the Committee that I think it would greatly expedite the situation if I could make this arrangement: Now, there are ten or twelve persons here who want to be heard in opposition to these bills, representing some of the agricultural societies, some of them fruit grower societies and some of them individuals who represent no organization. Now, I can speak for most of them, but I cannot do it in five minutes.

Assemblyman PATRIE: I would like to ask if it would be agreeable to each of the parties here who wish to be heard if the gentleman now on the floor speak for twenty minutes and voice the sentiment of each and every man here who wishes to be heard and in that way give him an opportunity too?

Mr. CONNOR: I mean just the canners, fruit growers and agricultural associations.

Assemblyman PATRIE: Then, as I understand it, Mr. Connor represents substantially all the other interests, and I think we will limit Mr. Connor's time to fifteen minutes and the other gentlemen each to five minutes.

Mr. CONNOR: I want to call the attention briefly of the Committee to the amendment to Bill 13 about the definition of the word factory on page 2 of the bill. This amendment practically makes every building and every place where work is done in connection with the factory, a factory. And we think either the definition should be changed or certain exemptions should be given to remedy the inconsistencies that would follow if this definition were to apply to the canning industry and the fruit growing industry and other industries of that kind. For instance, by the amendment on line 6, page 2, that they add "And all buildings, sheds, structures or other places where one or more persons may be employed." Now, if a farmer goes out in a field four miles from a factory and drives four posts and puts on a roof that the women or children may be protected from a storm, this bill makes that building a factory subject to that law and subject to the visitation of factory inspectors. If a farmer plants ten acres of produce to be delivered to a factory and employs twenty-five minors under fourteen years of age to assist him in the work of gathering his crop, and he permits corn husking for instance, to be done in a portion of the field, instantly, under the provisions of this bill as you have it drafted, the place where the husking is done, although there isn't any sides nor floor nor roof, becomes a factory. Now, I think that the common sense of this Committee must necessarily dictate to you the impropriety of a broad definition of that kind that would include not only buildings, but places of every description where this work may be done.

Now, I am told that this definition was designed to apply to a certain class of houses in cities as well as to the canning industry and fruit growing industries. Now, it may well be that you need that definition. I cannot speak for some other industry, but I submit to you that as far as the canning industry is concerned you don't need to make a field a factory; you don't need to make a place where a bushel of corn is husked a factory subject to the factory laws and subject to the visitation of factory inspectors.

Now, assuming that the situation exists that you want to retain that definition. Then, we will offer no quarrel with your definition. Leave it as you have it if you must in order to accomplish the purposes that you have in mind in applying it to buildings in other places. I don't undertake to speak on that proposition. But if the definition is to remain in its broad present form then I suggest that there are two important amendments that should be made. First, section 78 which contains the exceptions in the Labor Law should be amended by adding a new section, a new exception that we may call Exception 4. Exception 4, and for convenience and classification I have divided the amendment into two divisions, A and B. And we suggest, first, a minor may be employed in farming and agricultural pursuits. Now, since time began the legislatures of the states —

Mr. ELKUS (Interrupting): A minor under what age?

Mr. CONNOR: Under fourteen years.

Assemblyman PATRIE: Well, how young?

Mr. CONNOR: Well, that which is allowed now.

Assemblyman PATRIE: How young?

Mr. CONNOR: If you wish to place a restriction there, place it at some suitable age, ten years, eleven years or twelve years. We will say ten years; if the Committee thinks that is too young, say eleven years; if that is too young, then let us have it twelve years. But surely between the ages of twelve and fourteen no harm can come to a boy or girl living out in the country performing the work about a farm, that they have from time immemorial been in the habit of performing.

Senator WAGNER: Wouldn't you limit the hours?

Mr. CONNOR: Well, possibly there might be, yes, a restriction on the hours if you think it is wise. We will limit it to the day time, not earlier than seven or later than six. Second, limit it not to a set eight hours a day, if the Committee must go that far. And we have on the second branch of the proposition B a further amendment that makes still further restrictions. May I read that and we can discuss them both together?

Assemblyman PATRIE: Yes, we will be glad to hear it.

Mr. CONNOR: B, a minor between the ages of twelve and fourteen years may, during school vacation time, be employed at piece work with freedom to come and go at will in the preparation of vegetables, fruits and farm products for canning and preserving, between the hours of 7 A. M. and 6 P. M. in sheds and other structures where machinery is not operated, provided an employment certificate shall have been issued to such minor at the place of employment as provided in this article, which certificate shall show the minor to be physically suitable or physically fit to perform the labor.

Senator WAGNER: Who issues the certificate?

Mr. CONNOR: Issued in the same manner as the certificate that is now issued between fourteen and sixteen, and that would be met by the amendment that you are making to that branch of the law.

Assemblyman PHILLIPS: Is that during the summer season only?

Mr. CONNOR: Yes. First the employment would be limited to vacation time where it would not by any possibility interfere with the Educational Law. Second, it would be limited to work that would be done by the piece rather than by the day, so that children could come and work for an hour or two hours or three hours or four and leave at pleasure. It would be limited to day work; no night work. In no case would the minor be permitted to work more than eight hours a day. No minor would be permitted to work unless he secured a health certificate showing that he was physically fit to perform the labor.

Now, it seems to me that for the summer time out in country places, with these restrictions, that you might well change your law from fourteen to twelve years; it makes a difference of two years.

Now, much has been said in the public press with reference to the employment of very young children by the canners and fruit growers. Now, I want to say in behalf of the New York State Canners' Association that several years ago the members of that association suggested the propriety of passing a law prohibiting the employment of very young children. This is the situation.

Mr. ELKUS: They still went on employing them.

Mr. CONNOR: Not in the sense that they were employed by the day, but they permitted them to do piece work in sheds with their parents or others that might bring them there. Now, we are not seeking to justify the employment of any young child, and there is no room for argument here to-day with us that children below twelve years of age should be employed. We take the broad ground that the association two years ago suggested that the ten-year age would be the proper limit to exclude the children from the sheds and work.

Senator WAGNER: I was just going to suggest that your association is improving all the time.

Mr. CONNOR: Just the same as the Legislature and humanity generally; we are growing together.

Mr. ELKUS: The age limit last summer was seven years.

Senator WAGNER: I think before very long you will agree that fourteen years is the proper age.

Mr. CONNOR: No, I cannot agree. But to complete my statement. Now, a year ago the association adopted a regulation requiring its members or suggesting to its members that all minors below ten years of age should be forbidden entrance or employment in these sheds, and I think the Commission found in their investigation that it was very difficult to enforce that regulation due to the fact that the mothers and parents of the Italian and Sicilian children were insisting on their right to bring them into the sheds and let them work at piece work.

But however that may be, let me say this: That we believe to-day that if you permitted children between the ages of twelve and fourteen to work with the restrictions that we have suggested that we will have a better regulation than if you forbid all children, all minors under fourteen, to do any work even for a few hours during vacation time. A child thirteen years of age, physically fit, is absolutely forbidden from performing any work of this character. The work, for instance, of snipping beans is very light. They pick up a bean pod, break off the end, turn it, and break off the other end and dump it into a dipper. Now, we suggest further that the years of twelve to fourteen for this class of work in vacation time have been adopted by numerous States. For instance, in the Province of Ontario, Canada, they have adopted twelve to fourteen — they have adopted a regulation of twelve to fourteen and they permit the children to work in the shed during those years. In the State of Iowa they permit children between the age of twelve and fourteen to work at this work. In the State of Delaware they permit children of the age of twelve — all children to work at this work. In the State of Indiana they permit children to work at this class of work. So we think New York would be in accord with numerous other States where this industry is carried on were you to adopt the twelve year limit instead of fourteen, and we believe that the members of your Committee if you go back into your own lives will find from your own experiences that there is nothing prejudicial to health or the well being of children if they are permitted to work between the years of twelve and fourteen. Now, I want to put on record if you please —

Mr. ELKUS (interrupting): I take the liberty of making a copy of your amendments.

Mr. CONNOR: That is all right.

Mr. ELKUS: Will you give me the other one?

Mr. CONNOR: They are both embodied in one. I want to call attention to the fact that the State Grange, representing a very large following in the State of New York, has gone on record in this matter, and also that the Fruit Growers' Association, two of them, there is a special representative of one.

Mr. ELKUS: Mr. Connor, do you mind if I ask you a question?

Mr. CONNOR: Yes.

Mr. ELKUS: You favor all these bills, but want this exception in relation to the age limit?

Mr. CONNOR: Yes, we have no objection to the bill, but want that exception in the law, and the definition amended so it shall not apply to field work, or a place where snipping may be done and so forth outside of a building.

Senator WAGNER: Mr. Connor, may I just ask you what the Grange opposes?

Mr. CONNOR: The Grange oppose the bill forbidding the employment of minors.

Senator WAGNER: Well, is it as general as that?

Mr. CONNOR: I don't think — I have a resolution here; I will submit it to the Committee.

Senator WAGNER: I want to know. I did not suppose the Grange would go on record as being against any bill which prevents minors from being employed. Aren't they more specific than that?

Mr. CONNOR: I think they are. Let us see. It is a long resolution.

Mr. ELKUS: He can read it.

Assemblyman PATRIE: Couldn't we have the resolution so the Committee could go over it in executive session?

Senator WAGNER: I simply want it read here so everybody will know as to just what they did.

Mr. CONNOR: The Grange opposes the bill as to farm work.

Senator WAGNER: That is all, that only?

Mr. CONNOR: I am not positive of that, Senator, but I think that is it as my recollection serves me.

(Resolution is passed to Mr. Elkus.)

Mr. ELKUS: It opposes apparently — it says that they object to any law which prohibits children working; it doesn't say what age; and they also say that they believe that this law would work a great hardship. I would like you to listen to this, Senator, "to the large number of women and children who annually take their outing from the great cities of the State to engage in the work of harvesting the fruit and vegetable crops in so much as it would deny them the privilege of partaking of the sunshine, air and good food of the country, besides the beneficial remuneration derived therefrom." I don't wonder you didn't read it.

Mr. CONNOR: Mr. Elkus, let me call your attention to the fact that that organization represents the largest organization existing to-day outside the City of New York in numbers and invested capital in any general agricultural industry.

Senator WAGNER: When was this adopted?

Mr. CONNOR: On the seventh day of the present month.

Senator WAGNER: By an executive committee?

Mr. CONNOR: By full convention of the State Grange meeting at the City of Buffalo after investigation by a subcommittee appointed, the investigation committee report being embodied in the resolution.

Senator WAGNER: You don't mean to say that the Grange want to go on record as being in favor of child labor of any kind?

Mr. CONNOR: I don't think it should be read that broadly.

Senator WAGNER: That is the way it reads.

Mr. CONNOR: Mr. Elkus read it that broadly; I do not.

Mr. ELKUS: I read it as it is printed.

Mr. CONNOR: The Oneida County Agricultural Society have adopted resolutions at a meeting of the society opposing the child labor provision as it now stands in the law, and suggesting ten years as the proper age. They also embody in their resolution an opposition to the bill that recommends the hours for women.

The Allegany County Agricultural Society, known as the Old Reliable Allegany County Fair, the oldest agricultural society in the State of New York, about to hold its seventieth anniversary, opposes the child labor regulation as you have it here, limiting the age to fourteen years in all cases of agricultural and canning employment where there is no dangerous machinery found.

Mr. ELKUS: Will you let me have those, Mr. Connor?

(Mr. Connor passes papers to Mr. Elkus.)

Mr. CONNOR: There are some of these, Mr. Elkus, where there are personal communications attached to the resolutions.

Assemblyman PATRIE: You will leave those on file, all of them, with the Committee, will you not?

Mr. CONNOR: I will leave all the portions of that that he may authorize. For instance, the very next one, the Erie County Agricultural Society opposes both bills, but the president of the society writes a two-page letter on his own responsibility expressing his own views, but not authorizing me to record them. So that I am embarrassed in turning them all over, gentlemen, to the Committee.

Senator WAGNER: They oppose both bills; you mean they are opposed to everything in the bills?

Mr. CONNOR: Well, they were not discreet enough, Senator, to separate them.

Senator WAGNER: I know how these resolutions are passed in gatherings; it is like a political convention sometimes.

Mr. CONNOR: The Rensselaer County Agricultural Society opposes the bill for regulating the hours of labor on the ground that they believe that no injury comes to a child from working at farm work or in the shed work. It is limited to that bill only.

The Fair, being the Agricultural Society of the County of Wyoming, while the society itself has not met and gone on record, the secretary of the society, after consultation with the president, who is a former member of the Assembly of this State, expresses their opposition to the child labor bill, if the years are to be fixed at fourteen.

The Clinton County Agricultural Society opposes the limitation of fourteen years, and they add in their letter — I might spread this on the record if you please — “ we feel sure from our investigation along the lines of child labor that minors under fourteen years can be more satisfactorily employed during vacation time in healthy outdoor work than to be allowed to run wild or pass their time uselessly on the public streets.”

The Washington County Agricultural Society opposes — concur in the action taken by the New York State Grange at Buffalo on the seventh of the present month. The Fruit Growers' Organization —

Assemblyman PATRIE (interrupting): Will you file those with us, those that you care to go on public record with?

Mr. CONNOR: I will do that, yes. I would like to speak on the other branch of the —

The CHAIRMAN (Assemblyman Patrie): Your time is ten minutes past now.

Mr. CONNOR: On the half hour?

Assemblyman PATRIE: On the twenty minutes; you have had over a half hour now. We will be glad to have you file those and the Committee will go over them all in executive session in any event.

Senator WAGNER: I was going to suggest, Mr. Chairman, that the other question that Mr. Connor desires to discuss is rather important, and I think we ought to give him more time to present it.

Mr. CONNOR: Now, in reference to the employment of women, we think that the bill 780 — no, I don't remember the number of the bill, but the bill regulating the hours of women, limiting the hours to sixty per week, excepting as the board shall grant special permission. Now, our position on that matter is this: you are about to create a board of control and to confer upon that board broad jurisdiction. Why is it necessary to limit the discretion of the board, and I assume that you are going to have a board of such a character that you will have no fear or hesitancy in com-

mitting broad jurisdiction to them? Why is it necessary to limit their discretion to six hours, additional hours, per week? Now, we feel very strongly on that proposition. Heretofore there has been no limitation on that; and that is in accord with the provision existing in the States of Michigan, Maine, Indiana, Delaware, Ohio, California and Maryland, substantially all the fruit growing or canning and vegetable canning States. Now, there are two other States that have no exemption; one is the State of Illinois, that packs only corn; and the other is the State of Wisconsin, that packs substantially nothing but peas — to go back to Illinois, because of climatic conditions they have a long season. The other State is the State of Wisconsin, that packs substantially nothing but peas, and instead of a four-week season, because of different climatic conditions, has a season of seven weeks, as I have been able to learn on recent investigation. So that I think in the two States where any considerable amount of acres are packed, there is a reason for the fact that they have no given limitation.

Now, as to the amendment that we want on this bill. We ask you, at line 26, page 2, to strike out from the word “between” to and including the word “August” on the next line and to insert in its place this:

“For a period or periods aggregating not to exceed sixty days, to be fixed by the Industrial Board.”

That is, instead of limiting the discretion of the board to five weeks beginning in June, you should give the board discretion to select the most suitable time itself and let the board fix five weeks, or six weeks or seven weeks at a period best adapted to the needs of the canner. That would make a more wholesome regulation.

Second, line 2, page 3, we ask the words “sixty-six” to be changed to “seventy-two.”

Third, on line 3, page 2, the word “twelve” to the word “fourteen.” And with those amendments we would be reasonably content.

Assemblyman PATRIE: Yourself and the canners were granted one or two hearings, two different hearings on this subject prior to this time, were you not?

Mr. CONNOR: Yes, sir, we were granted a hearing at Albany, and also a hearing at the City of Rochester. But we felt that it was our duty to get the situation before the legislative committee that would have the jurisdiction finally to decide the form that these bills should assume.

For the record I would like to state that I represent at this hearing Frank E. Yarker, Charlotte, N. Y., fruit grower; Conrad Baker, Barnards, N. Y., fruit grower; Burt Olney, Oneida, N. Y., Burt Olney Canning Company; N. J. Griffith, Stittville, N. Y., Stittville Canning Company; A. R. Hatfield, Utica, N. Y., Utica Canning Company; H. W. Clark, Rochester, N. Y., W. N. Clark & Company; B. Cady Olney, Rome, N. Y., Burt Olney Canning Company; Dr. W. G. Hollingsworth, Utica, N. Y., Oneida County Agricultural Association; Robert Mullree, Albion, N. Y.; Hon. Thomas A. Kirby, Albion, N. Y.; Hon. J. P. Olney, Rome, N. Y., Fort Stanwix Canning Company; Joseph Hudson, Holley, N. Y., Hudson & Company; Frank D. Smith, Springville, N. Y., Springville Canning Company; Hon. A. S. White, Rome, N. Y., president Oneida County Agricultural Association; Hon. John C. Winters, Jr., Mt. Morris, N. Y., Winters & Prophet; Frank Centolלה, Utica, N. Y.; C. J. Marrone, Utica, N. Y.; N. Palley, Utica, N. Y.; Mrs. Gene Bowen, New York City; Signora De Rossi, New York City.

Assemblyman PATRIE: Dr. Abraham Korn, representing the United Real Estate Owners' Association.

Dr. ABRAHAM KORN, representing the United Real Estate Owners' Association, then addressed the Committee as follows:

Dr. KORN: Mr. Chairman, the organization that I represent think that a modification should be made to your bill No. 1016, page 12, in which you eliminate from tenement houses the manufacturing, altering or finishing of children's wearing apparel. We find no difference between the manufacture of women's dresses under the heading of dressmaker, than we do in the manufacture of children's wearing apparel. Under the definition of a factory, a dressmaker becomes a factory when she employs more

than two individuals, and unless you change the definition of the word factory you are going to cause a whole lot of trouble among a great many people in New York City. It holds the same in regards to the male or the female sex.

There are a number of children in New York City that you can't get wearing apparel in the ordinary department stores for, on account of their avoirdupois, and they are compelled to go to these specialists in tenement houses that only make stouts.

Mr. ELKUS: You know it was testified before the Commission over and over again that diseases are communicated to the children because of the fact that clothes had been made in tenement houses under unsanitary conditions?

Dr. KORN: We are not objecting to any article referring to the sanitary conditions of tenement houses. We fully agree with you, that they should be under the best possible sanitary conditions that you can provide for. But we do object that you should eliminate children's wearing apparel and discriminate between them and ordinary dressmaking. You can carry just as much contagious disease from a dressmaking establishment as you can from the manufacture of children's apparel in a tenement house. It doesn't make any difference, the carrier is there just the same. So if you are going to discriminate because a family is unfortunate enough to have a fat boy that can't buy clothes in the ordinary department stores, because they have got to get his clothes made stout, you are going to put that family in a bad fix.

Mr. ELKUS: They ought to be glad to have that fat boy.

Dr. KORN: They ought to be glad to have the fat boy, but you mustn't prevent them from clothing the fat boy.

Assemblyman PATRIE: Senator Palmer.

Senator PALMER then addressed the Committee as follows:

Senator PALMER: Mr. Chairman and gentlemen of the Committee: I wish to say nothing about the provisions of the bill that you are contemplating as far as it relates to factories and workers in the city, but as far as it relates to children's labor in the country, every one in the fruit belt that I have heard from

thinks that it should not apply to farm or field labor without limiting the age.

Now, thousands of people in the summer time come up to pick the fruit. They are largely Italian people and their children, and they don't want a law that prohibits the children from working. I have on my place two Italian families, and there is a baby born in those homes every single year, and their fathers reckon how soon that little baby will be a bread winner. Why if you interfere with this you will be perpetrating a crime. How could a man support a big family if the children couldn't help. The one-year-old baby and the two-year-old baby are under a tree — mind you, they have come out of New York pale and wan. They cook their breakfast along a stone fence. The three-year-old baby tends to the one and two year olds. The four and five year old will get a carrier — that is, one carries one way and only carries empty carriers. The six and seven year old will carry the full carriers. The eight and nine year olds earn two dollars a day. The ten, eleven, twelve and thirteen year olds will make the maximum sum. After that they want to get married also and they aren't worth anything at all. (Laughter and applause.)

I submit, that in spite of the little children they go back, and they have earned, some of them ten years, three dollars a day picking strawberries, raspberries and they go back looking fine, and their mothers couldn't support them, or their fathers, if you made a law that they should not work. Mr. Chairman, I was fourteen years and six months when I shouldered a musket and went to the war. (Applause.) Six months after I worked on a farm, and I think the most of us have been farm boys and did chores before school, and the man is not here who will say that it did not do him some good and not harm. (Applause.)

Assemblyman PATRIE: The Honorable E. C. Gillette will say a word about agricultural pursuits.

Hon. E. C. GILLETTE, representing the New York State Fruit Growers' Association, then addressed the Committee as follows:

Mr. GILLETTE: I represent the New York State Fruit Growers' Association, having been secretary of that body for several years.

We are some thirteen hundred strong. I represent the largest and most progressive fruit growers in the State.

I wish to speak briefly on the point of child labor and also on the employment of women in the factory. I will say that at our annual meeting at Rochester in the second week of January resolutions were adopted on these lines. I didn't know that I was to be called on until two moments ago and I didn't bring a copy of that resolution with me, but I will send a copy to Senator Wagner, Speaker Smith — or rather we did mail copies of them to Senator Wagner and Speaker Smith and others.

I don't wish to say a single word against this bill with relation to child labor in factories in the city. I am in entire accord with everything that the bill proposes to do, but I want to call your attention to the fact that different conditions exist in the country from those which exist in the city. I myself am a fruit grower, am an employer of labor, of young labor. I have at times had a hundred people picking berries in my fields at a time, and two-thirds of those people were under fourteen years of age. It will be utterly impossible for the fruit grower, the grower of small fruit, berries and cherries, to get his fruit picked if this bill became a law. The fruit would spoil; it couldn't be handled. We believe that it would hamper fruit growing to a certain extent and hamper the canneries and eventually raise the price of canned goods and increase the cost of living. You want to realize that the season is very short, that the material with which we deal is very perishable; that it will be a total loss; that we are restricted in the employment of our labor and we can't get the material to the canneries.

The women want to work. I have inquired of women in our town who work in canneries whether they wanted to be confined to nine or ten hours a day. They say, no, the season is very short; we work by the piece; we are not obliged to work more than two hours a day unless we wish to; if we want to work twelve or fourteen hours a day we want the right to do so.

This bill, if it became a law, would seriously cripple the fruit-growing industry and drive out of the State the canning industry. I myself began work when I was very young. It stunted my growth perhaps a little, but otherwise it didn't hurt me. My own

children began to pick berries at six or seven years of age. Before I was ten years old I earned a dollar and a half a day.

Mr. ELKUS: Do you know that as a matter of fact over half the canners don't use child labor at all?

Mr. GILLETTE: I hope it is so.

Mr. ELKUS: You know it is so, don't you?

Mr. GILLETTE: I do not.

Mr. ELKUS: We found it to be so and they said it was unnecessary —

Mr. GILLETTE: I hope that is true.

Mr. ELKUS (Continuing): Therefore there wasn't any reason why children should be employed.

Mr. GILLETTE: But this again brings it back to the farm. Anything done on a farm for a factory must be considered to mean any work done for a factory — that covers the farm labor.

Mr. ELKUS: You want a provision, an exemption that a child shall not be prohibited from working for its parents on a farm?

Mr. GILLETTE: Yes, or for its employers. And I would ask for the limit to be ten years instead of twelve.

Assemblyman PATRIE: Mr. C. J. Marrone.

Mr. MARRONE: Mr. Chairman and gentlemen of the Commission: I represent no one, not the canners nor any manufacturer. I represent thousands of Italian families from Utica, that is all. I came down here at my own free will to speak against — not against the bill, but a certain limitation of it. I don't wish to be quoted generally or misquoted that I am in favor of child labor. I don't wish to be quoted so. But if you gentlemen intend to pass that bill through you must make certain provisions for thousands of families in the city of Utica.

Mr. ELKUS: What is your business, Mr. Marrone?

Mr. MARRONE: I am a hotelkeeper in Utica.

Mr. ELKUS: In Utica?

Mr. MARRONE: Yes, sir. For thousands of families who may be dependent on the two or three months in the summer for their winter's provision.

Assemblyman PATRIE: Don't they work in the winter?

Mr. MARRONE: Not the man.

Mr. ELKUS: The man doesn't work at all, does he? He is too strong to work.

Mr. MARRONE: If you will give me a chance to explain I will try to do it in the best way. Our laboring man does not receive more than \$2 a day or \$2.25, whatever it may be, and he only works five or six months of the year. And taking out the rainy days and the days that material is not there and what is he going to do? I have known thousands of families, a lot of families that look to these three months in the year to go out bean picking where they can make enough money to carry them through the winter, and that is a fact. I know that to be a fact, gentlemen. Now, if you are going to not allow those children to go there you simply are going to make paupers of a lot of people over there.

Assemblyman PHILLIPS: If the family cannot maintain itself on \$2 a day, wouldn't that result in the men getting more than \$2? Wouldn't they have to raise his wages then?

Mr. MARRONE: Who will raise his wages?

Assemblyman PHILLIPS: His employer.

Mr. MARRONE: That I don't know.

Assemblyman PATRIE: Will they be able to get men to work if they don't pay them enough to take care of their families?

Mr. MARRONE: You must consider they don't believe in race suicide; there is eight or nine children and the man and the woman.

Mr. ELKUS: They are not under fourteen, not all of the nine children?

Mr. MARRONE: Not all of them? I can assure you that I have known families that have eight or nine children with none of them the age of fourteen. I would like you to come down here in Utica and see them.

I wouldn't come down here to speak against this bill, gentlemen, only it is going to degrade a lot of them. It is simply going to mean that we will have to make more preparations in the charitable departments. Now, you take away from a family \$150 or \$200 if they are able to earn in the summer time — they live economically — may be you gentlemen don't come in contact with them; they live economically, and \$200 would last them the entire winter the way they live.

Mr. ELKUS: Mr. Marrone, do you mind my asking you a question?

Mr. MARRONE: Yes, sir.

Mr. ELKUS: Is it part of your business to get these families together and turn them over to the canneries so that they may be employed?

Mr. MARRONE: No, sir.

Mr. ELKUS: Don't you procure them?

Mr. MARRONE: I do not.

Mr. ELKUS: Haven't you done that business in the past?

Mr. MARRONE: No, sir.

Mr. ELKUS: I am informed by our inspector up there that you turn the families over to the cannery.

Mr. MARRONE: Have you your inspector here?

Mr. ELKUS: Yes.

Mr. MARRONE: Let him come here before me.

Mr. ELKUS: Mr. Potter says he doesn't know whether you do it, but there are people there in Utica who do it.

Mr. MARRONE: I don't care about what Mr. Potter says. You asked me a civil question and I answered you as I could. I am

simply voicing the sentiment of thousand of families that I know that are waiting for these one or two months that they can earn something.

Assemblyman PATRIE: Do they have to employ children under fourteen to-day?

Mr. MARRONE: Yes, sir.

Mr. ELKUS: How young?

Mr. MARRONE: Well, I should suggest from nine to twelve; even nine years they would be satisfied. Now, if you will only take into consideration that a mother cannot go to the country and leave those children at home. Who is going to take care of them? I tell you, who is going to take care of them. That is what I want to know. You don't want to hurt these people by passing such a bill. You don't want them to become paupers. You don't want them to become a charge of the city. No, sir; they don't believe in it; they want to work.

Assemblyman PATRIE: How long hours would you be in favor of permitting the children to work under fourteen?

Mr. MARRONE: I am going to leave that to you gentlemen to decide.

Mr. ELKUS: Do you think they should be permitted to work more than seven or eight hours a day?

Mr. MARRONE: I don't know. I am going to leave that to your discretion. I am not going to say how long hours they should work. I simply voice the sentiments of those people. They don't know what is going on and they don't read the newspapers and I am simply down here not — I am down here for something else, not to speak against or in favor of this bill, but I am down here for something else and I heard about it and I thought I would come in here and speak my sentiment of it and I hope you gentlemen will do what is right. I thank you one and all. (Applause.)

Assemblyman PATRIE: I believe that Miss Morgan from Buffalo would like to express her gratitude for the work that this Commission has done along this line.

Miss MORGAN: I want to voice the sentiment of every woman present here when I thank this Commission for the grand, noble work they have done for the uplift of humanity, and especially Senator Wagner, who has given his kind talent and attention so unselfishly. I also wish to say that I disagree with some of the former speakers. I feel that if a child spends ten months of the year in school it should have the fresh air and the sunshine during the two months. I don't feel that they should be confined to a shed to do manual labor under fourteen years of age. (Applause.)

This afternoon there were remarks made that the Sicilians and the Italians would be disappointed. Let the Sicilians and the Italians become Americans. It is up to the American people to teach them that we will not tolerate child labor. It has been proven here this afternoon that little babies four years of age were working in canneries. That is a disgrace to the State of New York, a disgrace to humanity. And I again wish to thank this Commission for the grand work that they have accomplished in these investigations.

Assemblyman PATRIE: Upon request, I want to suggest that Miss Morgan is the president of the Teachers' Association of the City of Buffalo, and also president, or secretary, of the Tuberculosis Society of the City of Buffalo. Now, I believe the discussion is closed. We have taken just two times as much time as we thought it would be necessary. Let us be as brief as we can be in adhering to the merits of these bills.

Miss PAULINE GOLDMARK then addressed the Committee as follows:

Miss GOLDMARK: Mr. Chairman: I feel that a word should be said as to an apparent misconception in regard to this proposed prohibition of child labor in the canneries and the prohibition of women's labor beyond the stated number of hours. As I understand it the Commission is attempting to limit and regulate industrial conditions; this bill is not directed towards the agricultural conditions of the State.

In the matter of child labor, the particular conditions that the Commission have shown to be an evil which need remedial action

are found in the cannery sheds. Beyond a shadow of doubt this State no longer wishes to tolerate the work of children from the ages of four up to fourteen during the hours that now exist in the cannery sheds. The Commission has shown that those children begin to work as early as four o'clock in the morning and until twelve at night. Now, no agricultural work can be continued for such hours. The shed work is night work carried on in sheds that are lighted by electricity and is in no way real agricultural labor. This prohibition will restrict work that is essentially a factory process.

In regard to women's work and in regard to children New York State has been in the lead. We have an eight hour day for children under fourteen in factories and I cannot see any reason why that limitation should not be applied to canneries as well as all other industries. Their parents will still work in the canneries and the children can have a real vacation in the country while the parents are at work. That has been tried successfully in several of the very large canneries.

In regard to the women, I must confess that we feel no little surprise that any manufacturers should express a demand for a seventy-two hour week for women in any industry. Within the last month the courts have upheld a fifty-four hour law for women in all the factories and that this demand should really be voiced here I think is amazing. That law has been upheld in various States and a ten-hour law has been upheld by the Federal Court of the United States, and finally in our own State the fifty-four hour law has been upheld by a justice of the Supreme Court.

The question that the Commission undertook to solve I think it has solved with fairness. That the canning industry does deserve some leeway in the matter of hours on account of the extreme perishability of the product is true, but that those hours need to be extended longer than sixty hours a week I think is no longer an open question. Sixty hours a week has seemed to us a sufficient leeway, and that any demand should be made for seventy-two hours a week is one that should not be listened to for a moment by this committee and this Legislature. (Applause.)

Assemblyman PATRIE: Mr. Mornay Williams, chairman of the New York Child Labor Committee.

MR. WILLIAMS: Mr. Chairman and Members of the Joint Committee: I want to say just a word or two, Mr. Chairman and gentlemen of the committee, particularly on conditions in tenement houses. I want to speak on some other phases that have been raised here this afternoon. For one that has been coming up here on these matters a good many years — my friend, Mr. Gompers, has been coming up here for twenty-eight, and I have been twenty-two as against his twenty-eight, it is rather difficult to keep silent. I want, however, to say before I touch on the home work that this report and these bills mark the high water mark so far reached in labor legislation in this State, and that we ought all not only to record, as has been done, our obligation to the members of the committee and to those that have made possible this advance, but our earnest wish that the work may be continued, that the committee may continue their investigation, and not only that but that all here remember that it is not enough to place on the books these good statutes, but that they must be enforced, and that you gentlemen in the Legislature must give us the sinews of war to see that they are enforced.

Now, to come down to the particular question of home work in tenement houses. I don't understand how any representatives of that great city can come here speaking on behalf of any interest whatever and oppose these bills. For my own part, I should be glad if all tenement house work could be prohibited. (Applause.) But as to the kind of work that is prohibited — garment work, for instance, does the gentleman who spoke against it know that in the Gouverneur Hospital of the tubercular patients applying to that hospital for relief 37 per cent. are garment workers?

DR. KORN: Cut out dressmaking.

MR. WILLIAMS: This advance has been made but we have not all the evidence that we propose to have if we continue the investigation on other trades. The reason that the gentlemen have introduced these recommendations in the particular trades is that there is a sufficient body of evidence behind the report for the courts to decide that the law is proper. That is what, I take it, has guided the Commission in their findings. That is the reason it will be placed on the statute book as it will. As soon as this Commission

or some other has found more evidence that will support a further law, that further advance, I take it, is going to be made, and, thank God for it. (Applause.)

I would like to take a moment or two of your time to tell you some of the things that are in the long pages of this admirable report, if you have not already read it. There were issued 12,211 licenses for work in tenement houses up to June 30, 1912. Of that number 11,691 were in the city or more than ninety-five and a half per cent. Now, when you reflect that investigation has shown that not only tuberculosis is carried, but that scarlet fever has been found in the building as in the case of children working on willow plumes and that children with a contagious skin disease due to improper conditions have been found working on nuts that are made up into candy, is there not a sufficient body of evidence to show that at least as a health measure for the entire country — oh, gentlemen, I wish I could talk as I would like to talk about the things that are behind it. It is well enough for you to protect yourselves and your families from disease. It is well enough for one manufacturer to say that the reason he stops the tenement house from doing work for his factory is because his daughter contracted diphtheria and died from it. But what about the other side? What about the families that are brought and who have to be brought up with the labor of little children into competition with the labor of strong men? What about the depression of wages? Now, I am not going to bring a war against every man who has engaged in employing tenement house labor, but it is necessary that such an investigation of this should be had in order that the rest of us might know the conditions.

Assemblyman PATRIE: Mrs. V. G. Simkhovitch.

Mrs. V. G. SIMKHOVITCH, of Greenwich House, then addressed the committee as follows:

Mrs. SIMKHOVITCH: Mr. Chairman and Gentlemen of the Committee: It has been my good fortune for many years to live in a settlement, in an industrial neighborhood in New York city, where I have had the good fortune to become acquainted with a good many working people and know them pretty well; especially is this true of young working girls.

The other day I looked over the list of wages of those girls that come to our house, and I found that the average wage of the young girls who come to our house as club members is between \$5 and \$6 a week, the average age of those girls is seventeen years, and their average wage is between \$5 and \$6 a week. We all know that that is not a sufficient wage to enable a girl to be self-supporting. Now, I brought this matter up for this reason: I know very well, gentlemen, that if these measures go through that we shall have very greatly improved conditions; I know that these girls will be working under enormously improved conditions; I know that they will be freer from fire risks; that they will be working in better ventilated factories. I know that, due to the magnificent efforts of this Commission, that they will be living under far better conditions than they are at present. But unfortunately neither the \$5 nor the \$6 that they earn will be able to secure any more for them than at present. So closely bound up is this wages question with the question of conditions and what we come here really for is to ask that, if it is possible, that the Legislature continue this Commission to make an inquiry into the subject of wages with the same thoroughness and scientific care and generous support that they have shown in taking this step to better conditions. It seems to me that it would be invaluable if the Commission continued to do this work. I do not believe that a finer group of people could be found in the United States for this great work, with the hope of looking forward to the time when wage conditions shall be very much better just as the conditions of work are better. Thank you. (Applause.)

Senator GRIFFIN: Mr. Leo Arnstein, Secretary of the Borough of Manhattan.

Mr. ARNSTEIN: Mr. Chairman and gentlemen: I am not going to make any appeal to you gentlemen on behalf of the childhood of the State; I am not going to dwell on the sanctity of childhood; I am not going to tell you anything but that the protection of childhood means not only humanity, but it also means common sense. I am not going to tell you these things because I feel that a discourse of this kind at this time and before a committee such as this would be entirely superfluous. I wish to say in passing

that I can qualify as a witness to this extent, that for some five years I was in direct charge of a manufacturing establishment containing some 500 men, women and children, and during all of that time I was a member of the New York Child Labor Committee, and I have never found at any time that the duties of the one position were in any way incompatible with the other. The present education as to childhood in this State is due to the work which you gentlemen and your predecessors have done. Each succeeding year some additional legislation has been added which has to some further extent protected the children. The legislation which is now proposed, the result of this most excellent Commission's work, is intended to cover, to certainly decrease, to stop up certain leaks and loopholes which allowed a large number of children to escape the protection of the law.

The first of these that I wish to speak of is the canneries. When the cannery legislation as it now stands on the statutes was enacted it was intended to cover the sheds which are attached to canneries. These sheds do not lie, as was described to you a few moments ago, four miles away from some factory, but they are four feet in many instances, and they are directly connected with the factories and they are a part and parcel thereof and they are lighted by electric lights from the same factory, the same machinery which is used in the factory proper is also used in the shed and is run by the same power. As far as the bean snapping — my good old friend, bean snapping. They are going to relegate the rattle to the past and use bean snapping as the pastime of childhood. This same bean snapping that now is considered an enjoyment of childhood of 1912 is shown up here to be a proper enjoyment and play toy of children of three or four. We are prepared to take issue upon this question with the gentlemen who have spoken on behalf of the canneries, and to say that we do believe that fourteen years should be the minimum for child workers; we are prepared to say that the enjoyment of childhood should not be limited to any particular class, but it should be enjoyed equally by rich and poor, and we are therefore prepared to say that no matter whether it is in canneries or in factories or in tenement houses, the age of fourteen should be the limit below which there shall not be any child allowed to work.

In one of the bills the question of physical examination has been touched upon. This law provides that the Factory Commissioner or his inspector may demand the physical examination of a child between the ages of fourteen and sixteen and determine whether the law as it now stands is being observed. In other words, whether the child is actually capable and able to work in a factory without deterioration of its well being. Another point which is touched upon in one of the bills is the question of establishing the grade of a child, the school record grade. At the present time there is a general regulation in the statute which says that it shall have certain elementary education, but it is not stated what that education shall cover in the matter of grade, and the purpose of this law is to establish that the 6-B grade, or the sixth year of study shall be given to every child. At the present time it is understood that fourteen years — that at fourteen years a child will in normal development graduate. It is here provided that a child shall not have less education than a normal child of twelve years is supposed to have acquired, and I think that that is a requirement which we are entitled to make.

I want to say just one word about the education of those children who work in factories. During the past year the Board of Estimate and Apportionment in New York city has been making an investigation into the Department of Health, and I happen to be connected with that work from the fact that President McAneny is chairman of that committee. The one fact which has impressed itself is inadequacy of hospital provision, not only the fact that hospital beds have not been sufficient enough but that the hospital cases have been coming in faster and that these particular cases are due very largely to the direct conditions that we are trying to eliminate by the bills that are before you. For instance, during the past three years it has happened that in the contagious hospitals of New York city there has been so large an increase in the number of cases that as many as two or three cases have been put in one bed. Those things, gentlemen, you cannot possibly contend with by increasing the number of hospital beds, but you have got to cut off the supply of disease. Put a restraint upon the manufacture of goods in tenements under conditions where infections and contagions are entirely eliminated as is proposed in these bills. (Applause.)

Senator GRIFFIN: Dr. S. Adolphus Knopf.

Dr. KNOPF: Mr. Chairman: I can corroborate the last speaker by saying that I hold child labor, women's labor, tenement-house labor responsible for the tremendous prevalence of the three great medical social diseases: tuberculosis, alcoholism and venereal disease. We have at this time in the State of New York no less than 30,000 tuberculous children. Tuberculosis results from contamination, No. 1. It results from underfeeding, No. 2; from lack of light and air, No. 3; and last but not least, from contagion from mother to child; from the effect of overcrowding, No. 4. And these conditions we try to meet by having these bills passed and I have hope that the committee will not hesitate a moment to pass them. It is not only a humane measure, but as my predecessor has said it is an economic measure.

Thirty thousand children under the age of fourteen costs the State \$15,000,000, or the parents, if they pay themselves to educate them, these gentlemen who pay for the taxes as well as we do. Of these 30,000 children half of them will never reach manhood and the State will have expended \$7,500,000 in vain. Now, gentlemen, what are the effects of all those conditions which have been described in these bills? How do they produce alcoholism? A child who goes to work at the age of ten, twelve, or eight, ten and twelve; I don't know that they go to work at four, or six or eight, but I presume it is so for I heard it. That child's organism is so delicate, its nervous constitution so fine that it will not resist the temptation about alcohol when the temptation comes. The result is that our young men at the age of sixteen and eighteen, a great majority of them become addicted to alcoholism, and you know what that means in our State. Our records show that 25 per cent. of our insane asylums are filled with alcoholics.

One more word and my time is up. The same conditions which predispose a child to tuberculosis, the same condition predisposes it to venereal diseases because it has not the physical and mental vigor to refrain. I am talking very plainly for this is a great problem in our State. You have no idea how serious a problem it is. I must conclude because no one should pass over the time allotted to him.

I want to impress upon this committee the necessity of having these bills pass. I ask you to read the stenographic report of the wonderful address which our Governor made this morning, in which he appealed to all to use our endeavors to pass these bills in the name of humanity and through patriotism and above all in the name of childhood and motherhood. (Applause.)

Senator GRIFFIN: Miss Madeline Doty.

MISS MADELINE DOTY, Secretary of the Child Life Committee, then addressed the committee as follows:

MISS DOTY: I want to speak as the representative of the National Child Life Committee of the Progressive Service. The object of this committee is to promote the interests of the child in every State in the Union by education and publicity, and also by supporting all good measures. We have been extremely interested in the excellent bills of the Commission, and we are very glad in any way to help these bills. We find them extremely good from the fact that they not only prohibit, but also bring out the point that we need to give to the child a certain influence, that is, they are proposing to raise the educational standard. So many of the gentlemen are very anxious to have children work in the canneries ignore the fact that it is not only the prevention of child labor but the permitting of children during that time to begin its education that is of such vital importance.

We feel the excellence of these bills keenly, and we hope to introduce similar bills perhaps in every state in the Union. We are also planning to propose National labor legislation in order to back up various legislation in the different states. I hope that there will be no doubt about these bills passing. I have a letter from Mr. Theodore Roosevelt which I shall read in regard to these bills. (Reading):

"To the Secretary of the National Child Life Committee of the Progressive Service:

"MY DEAR MISS DOTY.—I am glad to learn that the National Child Life Committee is working to secure legislation for the children of the state. No department of the Progressive Service

is of more importance. The Progressive Party stands before all else for progress in matters relating to the child; for we are building in the interests of the next generation.

"Any measure which betters the child's surroundings, no matter who proposes it, has my hearty support. The Wagner bills prohibiting child labor in tenements and canneries are wise and necessary. The exemption of canneries from the Child Labor Law under the legal interpretation in 1905 that preliminary work in the cannery was an agricultural and not an industrial occupation and made the employment of children lawful, was a gross perversion of justice and common sense and such a decision should be reversed by legislation.

"Other provisions in the pending bills requiring sanitary inspection and the physical examination and medical supervision of children from the time they begin work at fourteen until they reach sixteen are absolutely essential. Every competent observer knows that the child's health is subject to many dangers. Every father or mother knows of impaired eyesight from bad lighting and weakened lungs from impure air and other ills of similar nature which make it vital to protect the child's physical well being.

"One of the most important provisions is the raising of the educational standard. Under the proposed law the child must complete the sixth grade before beginning work. In other words, the State will insure to every worker an education equivalent to that attained by the average twelve year old child. I understand that last year 20,000 children in New York City left school to begin work after reaching the fifth grade. The equipment given each child is what counts most in that child's future. Children need many things. Among them is work, both manual and intellectual, but where society exacts industrial labor from the child, it must do so through the school. For tasks of this nature should be assigned solely for the purpose of benefiting the child, and only incidentally with the idea of securing service. The child must never be exploited.

"There ought to be no question about the passage of these provisions. I sincerely hope that the National Child Life Committee of the Progressive Service, backed by the whole Progressive Party,

will fight to secure these reforms and others more comprehensive for children, not only in New York state, but in every state in the Union.

“ Very truly yours,
“ THEODORE ROOSEVELT.”

SENATOR GRIFFIN: Mrs. Frederick Nathan, of the New York Consumers' League.

Mrs. NATHAN: Mr. Chairman and Members of the Committee: I merely wish to say first that we are representing seventeen organizations, and these include two affiliated clubs. And the seventeen organizations of Consumers' Leagues all commend most heartily the work, the splendid work of this Commission, and we hope that these bills will be passed by the Legislature.

In the seventeen organizations throughout the State we have approximately 35,000 men and women all interested in industrial conditions and who now wish to actively support these measures with perhaps the exception of bill 4, section 2, which refers to the clause concerning the sixty-six hours of work for women at certain seasons of the year in canneries. The Consumers' League does not favor that measure. It feels that if fifty-four hours for women is made the limit in factories, that it would be a great concession to allow sixty hours a week for the women in the canneries, and we cannot uphold any clause that women work sixty-six hours. We also believe that if you leave the limit at fifty-four hours necessarily the workers can work under conditions which make for health and happiness and this cannot be done unless they provide for proper ventilation and sanitation and remuneration and adequate time for rest and recreation, and unless that is accomplished they are unable to reach that degree of efficiency which permits them to render their best service to their employers.

As an illustration of some of the present evils in our industrial world, I think perhaps it would be well to cite two typical cases, concrete cases that have been recently drawn to the attention of the Consumers' League of the city of New York. One young girl works in what is euphoniously called a kimona factory, but is in reality a dirty, ill ventilated sweat shop. She works there from seven in the morning until ten at night for the munificent sum of \$4 a week during the busy season.

Another case at a ribbon counter of a large department store. A young girl is paid \$6 a week, she gets \$6 a week now. With that amount she helps to keep a mother; her lunch expense is five cents; to save carfare she walks twenty-eight blocks; she is glad to have Sunday work for she needs the dollar. What will the next generation be if we permit the future mothers of the race to work seven days in the week for scarcely sufficient to keep body and soul together.

The Consumers' League hopes that the time and the powers of this Commission may be continued so as to make an inquiry into the very important question of wages. In the investigation made by the Consumers' League recently we find that out of 384 cases of sales women working in the department stores, 60 per cent. of that number work for less than \$6.50. When girls are paid less than a living wage for honest toil, is it a wonder that some of them are driven in desperation to that, although dishonest it may be, which gives quick financial returns?

The Consumers' League finds it necessary, therefore, to uphold those bills which look for greater cleanliness in bakeries, the provisions for decent dressing rooms in factories and adequate floor space in proportion to the number of the exits to be provided. The Consumers' League in fact believe that if these measures pass the Legislature that the workers of our State will be better protected than ever before. (Applause.)

Senator GRIFFIN: I will now call upon the Hon. Homer Folks, the chairman of the State Health Commission, recently appointed by the Governor.

Mr. FOLKS: Mr. Chairman, I wish to speak just a moment strictly as an individual and as a member of the Committee on Safety. I just came upstairs from listening to the proceedings of the Commission presided over by Mr. Carlisle, which has been studying the charitable institutions of the State along the line of the reformatories for women, the hospitals for the tuberculars and the reformatories for children. What is the story? Of an increasing demand, increasing beyond the capacity of the State to provide for them.

Now, for twenty years we have been coming here to you and you have listened to us, to provide for these broken down people.

But, gentlemen, that is a losing game, and we have got to get back to the causes that create this enormous procession of dependents coming into the charitable institutions of the State and of the city. And this has been done wisely and carefully and thoroughly and public spiritedly by the members of this Commission. It may be that the leader of the Senate and the Speaker of the Assembly at some time in the past have engaged in more important work; but if it is so, it has never come to my knowledge. And every citizen of this State, and I, as a citizen, as an individual, feel myself under great and permanent obligations to every member of this Commission. For, gentlemen, I don't wish to eat upon my table the fruit of the labor of these children in canneries or elsewhere. I don't wish to buy at a cheaper price and keep in my bank account the money which should have gone to fairly compensate the workers in the tenement houses of New York city. But rather would I know the facts so that my family can protect itself from being participants in the exploiters of the poor. I know, following the charitable institutions of the State, it can only be done by the strong arm of the State.

Now, fortunately it has been studied; the facts are clear; the report has been done, well done. And, gentlemen of the Legislature, give it your sanction and put it upon the statute books, and say to this Commission, "Well done, good and faithful Commission; go on in your good work for the people of the State." (Applause.)

Senator GRIFFIN: Unless there is any one else who desires to be heard on this group of bills, the hearing on this group is concluded.

Mr. STEPHEN V. LEWIS, representing the B. & L. Textile Company of the city of Cohoes, then addressed the Committee as follows:

Mr. LEWIS: I believe that this should be a government of men and women for human welfare, rather than a government of money for profit. I believe it is better to help a poor man make a living than it is to help a rich man make more money. I believe that this generation of Americans are the heirs of the past, we are the trustees of the future and we are in honor and in duty bound to leave this country to our children better than we found it. I believe in the Golden Rule rather than in the rule of gold. I believe that

human rights are of greater importance than property rights. I am not here this afternoon pleading for my wife and children. I am pleading for the children that were born in poverty and destitution and reared in misery. I want to see them have a chance and given an education. The boys and girls of to-day and the men and women of to-morrow are of mighty importance to the people of this State.

A few months ago in the city of New York one of the Broadway cable cars was slowly going to the Bronx; at a side street a girl stopped the car, a working girl from that city. She had just been discharged from the hospital recovering from typhoid fever; she got on the car and the car was quite crowded, and she was just able to get inside and reach up and take hold of a strap, and you people who have ever had typhoid fever know that you are weak when you are recovering from it; her strength began to fail her and she turned to the man who was sitting in front of her. He had on a silk hat and patent leather shoes. He was reading a newspaper, and she said to him: "Mister, I have just been discharged from the hospital and it is almost impossible for me to stand. Won't you kindly let me have your seat?" And the man went on reading. Didn't pay any attention to her. In the course of three or four more minutes she said: "Mister, I hate to bother you; won't you kindly let me have your seat for it is almost impossible for me to stand?" He kept on reading. A tipsy sailor who was sitting beside him got up, and he said: "Lady, you take my seat; I am drunk and I know I am, but I will get over that; but he is a hog and he will never get over that."

Now, gentlemen, the hog in politics has been eliminated, and we want to eliminate the hog in business. I believe that the fifty-four hour bill is a righteous and just bill. On behalf of our knitting mill, we appeared here two years ago and favored it. We thought it was a good bill then; we think it is a good bill now. I am in favor of any bill that will protect women and children.

One word more and I am done. Speaking of children makes me think of the words of the poet where he said:

"They are idols of hearts and of households;
They are angels of God in the skies;
His sunshine still beams through their tresses,
As gold still gleams through their eyes." (Applause.)

Senator GRIFFIN: It is very pleasant for us to hear such sentiments from a man who is engaged in the manufacturing business. I have just one more speaker in favor of this group of bills. Miss Maud Miner.

Miss MAUD MINER, Secretary of the New York Probation Association, addressed the committee as follows:

Miss MINER: Mr. Chairman and Members of the Committee: I speak for the children of the tenements, and for the girls and women. I am interested in this problem of the protection of the children from sweat shop work in the tenements. My work as a probation officer and as Secretary of the New York Probation Association has taken me into the largest tenement districts, and I have seen something of the exploitation of the children of the tenements. I have seen them robbed of their right to play; I have seen them robbed of their health; I have seen them in great moral danger as a result of the environment in which they are placed. I have seen children who were not able on a Sunday afternoon to go out for play into the sunshine because they had to work, sewing on shirtwaist buttons or making artificial flowers. Those children, some of them only three or four years of age, the little ones pulling apart the rosebud petals; others were seven or eight or nine years of age, and their earnings were counted upon by the fathers and mothers of those families to help in the support of those homes.

Those children are exploited; they are exploited by the manufacturers; the prices paid show the exploitation of these children. What are those prices? Five cents for 144 violets; five cents a gross; ten cents for yard long sprays of rosebuds with sixty-six rosebuds in each spray. Thirty cents a day is the most that those mothers and children can earn.

Senator GRIFFIN: Together?

Miss MINER: Together.

Senator GRIFFIN: Combined?

Miss MINER: Combined. Three dollars and a half is the most that I have ever known a mother and all of her children, some-

times six or seven, to make working at those flowers. They take the tenement woman — if it were simply robbing a family of a room that was vacant, it would be otherwise; we would not mind so much. But they rob the tenement family, which has only three rooms at times for twelve people, two rooms for seven people, and five in a single room. I have known one family in which there were seven workers, seven living in two rooms, and all of those children were working at the artificial flowers.

There is moral danger as a result to the girls. These girls become tired of work before they are of the age to go to work. And they tell us, as we meet them in courts and prisons in our work, that they have been tired of work before they were fourteen years of age. They work at skirts, those Bohemian girls, the young Italian girls, and the young Jewish girls, at the trades, sewing and making paper bags. Surely these girls ought to have the moral protection — it is for the moral protection as well as for the physical well being of our girls that we recommend the abolition of this work in tenements. The only argument that can be brought against it is that we are curtailing individual liberty. I ask you if this is liberty that we are giving those people? I say it is absolute slavery, and as slavery, should be abolished.

There is another question. With regard to the abolition of work for women, I am glad to know that three trades are taken away from the sweat shop. I believe that with further investigation by your Commission and the bringing of these facts to light that there will be a greater knowledge about conditions which will secure the abolition of sweat shop work in the tenements. We believe in abolishing night work for women because that brings with it great moral dangers. And therefore we are in favor of this bill.

We believe that the Commission should be continued in order to study further this question of wages. I believe that as a result of a careful study of conditions with regard to wages that we will be nearer getting a living wage for our girls and for our women. We realize that as a result of not having a living wage the girls are coming into prostitution, to the streets, to the courts, to the prisons of our city and of this State.

We hope you will pass these bills for the girls' moral protection,

and that you will further investigate to bring about better conditions for the physical well being of these girls and women. We hope and trust that these bills will be reported favorably.

Senator GRIFFIN: Rev. Dr. Walter Laidlaw.

Rev. Dr. WALTER LAIDLAW, representing the New York Federation of Churches, then addressed the committee as follows:

Dr. LAIDLAW: I want to register the record of the action of the New York Federation of Churches, 346 churches, and these churches put themselves on record as favoring these bills.

Miss GERTRUDE BARNUM then addressed the committee as follows:

Miss BARNUM: I want to add our word that our workers have great praise for the splendid work of the Commission and to urge the committee to recommend these bills. I wish to make the same statement that has been made by Mrs. Nathan for the Consumers' League. The women that I represent have been on strike in New York for the things which we are now begging you to put into legislation. They have waited. The working people for a generation have been waiting for legislation to protect them, and at last the young girls and women, for the sake of saving their very lives, have gone on the streets of the city of New York urging the abolition of sweat shop conditions. It would be a shame for this great State if that should be longer necessary. We hope that legislation will follow legislation to remedy all of these evils which have led to great strikes in the industries respecting the needle trades.

I want to say that there is a great danger in making any exemption to the fifty-four hour bill. So long as one trade is exempt, no other trade is really safe. You will have representatives from the different trades urging, for instance, that it is a busy season in the sewing trade or that this or the other exemption be made. I think, so long as there is any exemption whatever in this bill as to the fifty-four hours a week, that there is great danger to the working women, and there may be need of strikes. In the trades which have been on strike I am glad to say they

have gone ahead of the law of the State and have victoriously established in their splendid trade agreements provisions for fifty hours a week, and I hope that the legislation in future will carry out the amendments in these bills which make the labor of women to be performed under improved conditions.

The gentlemen who are concerned about the discrimination, in my opinion, would be much better engaged if they were co-operating with intelligent manufacturers like the one who has just addressed this body, to make this legislation uniform in all industries and to remove the discrimination by improved conditions.

Senator GRIFFIN: This concludes the hearing upon the second group of bills. We will now take up the third group. I will ask Mr. Elkus to explain briefly the third group of bills.

Mr. ELKUS: These are seven bills relating to cleanliness.

Senator GRIFFIN: Is there any one in opposition to these bills? If there is no one desiring to be heard in opposition to these bills, I will call upon Dr. Darlington.

Dr. THOMAS DARLINGTON, former Health Commissioner of the City of New York, then addressed the Committee as follows:

Dr. DARLINGTON: Mr. Chairman and Gentlemen of the Committee: I have carefully read all of these bills, and I desire to express myself in favor of all of them. I do not think there is any legislation of more importance than these bills. For many years I have been interested in the study of hygiene and have been teaching it, and there is nothing in any one of these bills, so far as I can see, that cannot be complied with and that is unreasonable. And from some of the expressions that we have had here this afternoon it is very easy to see why so many boys or so many children leave the farm and go to the city. We talk in the city about trying to get people out of the city and back on the farm. If they must work as children and have the long, long hours, no wonder they want to come to the city. The strength of the nation is measured by the strength of its individual components. No nation is stronger than the men and women that

compose it. Virility, the high standards of men and women are all dependent in greater or less degree upon physical health, and there is no public service of greater importance than that bearing upon the physical well being of the people, and every one of these bills relate to hygiene. It is therefore of the utmost importance that these bills pass. The wealth of the nation is dependent very largely upon the earning capacity of the people. It is axiomatic that efficiency depends on health. The whole purpose of sanitary science is the prolongation of life and the promotion of health. That is a very simple definition. Yet it is one that covers in the scope of its meaning every phase of human activity and industry, and there is no aspect of our growth in industry and labor that is not affected by health.

There has not been, Mr. Chairman, a single argument advanced here this afternoon that is worth in my opinion the name of argument, against these bills. I have heard nothing which would prevent their passing just as they are. My experience has been, when I was Commissioner of Health in New York, and in holding other offices that there is always opposition even to the most just and the most humane laws.

There is one point that we must consider and that is that if there is any question in regard to these bills we can only err on the side of safety. If there is any question about life or health we can only err on the side of safety. If you don't know, then you must pass the bill. The burden of proof is on the other side. These bills, if they pass to enactment and the enforcement of these laws cannot lessen taxes nor increase taxes. It means increased industrial efficiency and increased wages. It means there will be no loss of time due to preventable diseases. It means prevention of the communicable disease and will help not only future generations, but it produces for the present day normal life and happiness and tends to lives of contentment. I speak not only for myself, but in behalf of a number of organizations that I belong to. I might mention as one of those organizations, that I am chairman of the County Committee of the Democracy of the city of New York.

Senator GRIFFIN: I will call upon Dr. Henry Moskowitz, of the Committee of Safety.

Dr. MOSKOWITZ: Gentlemen, of the Committees, I represent the Committee of Safety which was organized immediately after the Triangle disaster, and it has been privileged to have as one of its leading spirits a leading spirit of this Commission, one whose energy and enthusiasm and ability is registered in every line of this study; I refer to Miss Mary Dreier.

The Committee on Safety is particularly interested — is interested in all the bills, particularly in the next group of bills, and I thought I was going to speak for those. But I should like to speak for these bills as well, and then give way to others on the other bills. I believe that these preventive measures for sanitation are of the utmost importance. I happen to be the Secretary of the Board of Sanitary Control of the Cloak and Suit Industry. This board has made a very careful investigation of the cloak and suit factories of the city of New York. This board has been able, through intelligent study of the conditions, to improve that industry and we know as a fact that many of the diseases of that industry have come at the present time from unsanitary conditions. We know that many of those who are suffering from lead poisoning came before your Commission and said that they had no washing facilities, and the physicians have said that some of these victims of this industrial disease were unable to wash their hands in the factory because they had no washing facilities. These people are suffering because in the dusty industries they have not had sufficient facilities to protect the workers so that the dust will go out of the factory instead of staying in it.

It seems to me that these measures, Mr. Chairman, are preventive measures, and for the Committee on Safety, and myself personally, I wish to commend most heartily the measures in favor of the prevention of fire in these factories, because, as you know, your Commission was brought to life through this terrible catastrophe, and these working girls in the city of New York are waiting to see what these martyrs have done for them — what you have done to prevent other catastrophes in the city through an intelligent and very careful work of investigation to arrive at laws looking towards the prevention of fires and these disasters.

I wish to commend those proposed laws most heartily, and we hope that they will be passed by this Legislature. (Applause.)

Senator GRIFFIN: That concludes the hearing on group three. We will now take up group four, as to fire prevention, the fire prevention bills, and I will ask Mr. Elkus to explain the purport of those bills to you before we proceed.

Mr. ELKUS: There are five bills recommended by the Commission in this group. One is with reference to the storing of waste material. The next one is for fire alarm signal system and fire drills. The next bill is in reference to automatic sprinklers. The next bill is with reference to factory construction, as to dangers in factories, both present and for future constructed buildings. And the next contains amendments to the fire prevention law.

SENATOR GRIFFIN: Is there anyone here opposed to those bills?

Mr. OLVANY: I should like to say a few words in reference to it.

Senator GRIFFIN: What is your name?

Mr. OLVANY: George W. Olvany.

GEORGE W. OLVANY, Esq., Deputy Fire Commissioner of the city of New York, then addressed the committee as follows:

Mr. ELKUS: Which bill do you appear about?

Mr. OLVANY: I am going to talk about six of the bills. I prepared this statement in view of the shortness of the time which you allow. I appear here on behalf of the fire department of the city of New York, not for the purpose of opposing the principles covered by the bills, because the commissioner of the fire department of the city of New York is deeply interested in the matter of safeguarding and protecting the interests of the individuals who are compelled to work in factories, and he feels that everything should be done which in any way would tend to better their conditions or prevent injury to their health or person. But he feels that the bills which have been introduced into the Legislature upon the factory conditions, in so far as they pertain to the safeguarding of the factories and the persons who are employed therein from the dangers of possible fires, are not an advancement in remedying the conditions which exist, but rather are a step backward.

By reason of the great loss of life which occurred at the Asch building fire in New York, it was deemed advisable to pass laws which would tend to make impossible such a condition as there existed, and the Legislature in the years 1911 and 1912 passed fire prevention laws which imposed upon the fire commissioner of the city of New York the duty of seeing that the property within his jurisdiction was made safe from the fire prevention standpoint. And there was created by that law a bureau of fire prevention in the city of New York which has now 228 employees, and has since its organization been engaged in safeguarding all classes of buildings from fire, and since its organization has issued about twenty-five thousand orders of which fully 70 per cent. have been complied with. The acting chief of that bureau —

Senator GRIFFIN (Interrupting): Pardon me. May I ask how long this brief is?

Mr. OLVANY: About two minutes. I will stop if you ask me to.

Senator GRIFFIN: I would suggest that you might state briefly what the specific objection is to the bill and then submit your statement as a brief which the committee will consider.

Mr. OLVANY: There are a number of objections, Mr. Chairman, to the different bills.

Senator GRIFFIN: You have been reading for five minutes and I have not heard a single objection.

Mr. OLVANY: They propose to take from the fire department, the bureau of fire prevention, the protection of lives in factories, and give it to a man who officially knows nothing about fires, has absolutely no way of ascertaining the provisions which are necessary for the protection of human life, and says that he can install apparatus which he shall create a standard for, and that when we receive an alarm of fire we must go to that factory and meet entirely strange equipment, and when we attempt to hook up to a standpipe we might find a different condition, and we would be unable to put any water in those standpipes whatever.

You say the fire department shall have nothing to do with it, and then you say something about signs shall be put up in factories, but you don't say by whom. Such a law as that is absolutely unenforceable.

Mr. ELKUS: May I ask you a question?

Mr. OLVANY: Certainly.

Mr. ELKUS: You don't object to the bills, but you object to them if they take away any power which the present fire commissioner of New York city has, is that right?

Mr. OLVANY: We object to the bills because we feel that it is not the safest way of providing for the poor devils who work in the factories.

Mr. ELKUS: You don't oppose the principles of the bill. You oppose the authority who shall exercise it?

Mr. OLVANY: That is all.

Mr. ELKUS: You don't oppose the principle of the bills?

Mr. OLVANY: Oh, no, we are in favor of it.

Mr. ELKUS: What you object to is the authority to manage the fire arrangements?

Mr. OLVANY: Exactly. We object to the authority being taken away from a department which has men in it who have been there thirty or forty years and who have studied these particular conditions. That is our particular objection to this. We say that it should remain in the place where it is, where these poor devils can be properly safeguarded. And I think if you take it away from the fire department you make a great big mistake, and it is a step backwards.

Senator GRIFFIN: Mr. Olvany, will you kindly submit that statement that you have there?

Mr. OLVANY: Surely.

Senator GRIFFIN: And the committee will give it very careful consideration.

Mr. ELKUS: If you will present in detail any amendments to the bills, I will be glad to see them.

Mr. OLVANY: I will do that.

Senator GRIFFIN: Is there anyone else to be heard in opposition to this group of bills?

(No response.)

Senator GRIFFIN: Mr. Rudolph P. Miller.

Mr. RUDOLPH P. MILLER, superintendent of buildings of the city of New York, then addressed the committee as follows:

Mr. MILLER: It has been an agreeable surprise to me to read the bills as they were prepared by the Commission. I, as one of the city officials of the city of New York, have had a great deal to do with the construction of buildings, and in that connection, before the matter was transferred to the fire department when the fire prevention bureau was created, had a great deal to do with the safeguarding of buildings so far as their exit facilities were concerned; and having been connected with the department for many years, I feel I have a right to speak upon this subject authoritatively. And when I say it has been an agreeable surprise to see the bills presented, it is because the Commission has gone so far with the provisions that are included.

There is no difficulty in providing for new buildings which are to be erected. Little opposition comes to the most drastic provisions that may be made for new buildings, if they are for the purpose of securing greater safety. But it is the existing buildings which are the problem — to take the buildings as they stood and to make them safe under any conditions that may arise.

I refer particularly to the point where the provision makes the inclosing of the existing staircases necessary, making it possible that those in a building where a fire is in one of the lower stories, may at least pass down a staircase in safety to the outer air without having to pass through the smoke of the floor rooms below. This is a very dangerous condition in the old buildings. Formerly there was no requirement that the staircases should be inclosed, and there was a positive danger to those who happened to be located above the fire.

The so-called fire escape which was formerly placed on buildings did not help this condition, because that again was subjected to the

very same dangers with the staircase itself. The fire coming out of the windows of the lower stories would cut off egress by means of fire escapes.

Senator GRIFFIN: Mr. Lionel Moses, President of the New York Architects' Association.

Mr. LIONEL MOSES, representing the New York Chapter of the American Institute of Architects, then addressed the Committee as follows:

Mr. MOSES: I am here as a representative of the New York Chapter of the American Institute of Architects. I have come representing the architects to approve generally of all these bills that we have to-day under consideration. There are, however, some details which have been brought to the attention of the Commission and in nearly all the cases where these details have been brought to their attention they have seen that the suggestions made by the American Institute or its representatives have been good suggestions, and with those changes, which are briefly described, I would like to record the approval of the American Institute of Architects, the New York Chapter.

Senator GRIFFIN: Have you suggested those changes to the Commission?

Mr. MOSES: It is all agreed to.

Senator GRIFFIN: I will now call upon Miss Perkins for a few remarks.

Miss FRANCES PERKINS, representing the Committee on Safety of the City of New York, then addressed the Committee as follows:

Miss PERKINS: Representing the Committee on Safety, I want to say that we heartily indorse these bills, which we urge toward the prevention of fires and the protection of human life against fire. A most important principle is embodied in these bills which I wish to bring to your attention, the principle of limiting the number of persons on any floor to the number that can be accommo-

dated by the exits on that floor. Bill 10 of these bills which you have presented now is an amendment to the charter of the city of New York and limits or removes from the jurisdiction of the fire department factory buildings in so far as the future regulations of the industrial board relative to exit capacity and the relation between exit capacity and occupancy in existing buildings are concerned. The reason why that exception has been made to the general principle that the fire department should handle fire prevention matters in the city of New York is that it deals with a very definite department of life, the industrial department, and it has seemed fitting, in so far as the structure of the building was to be affected by the rules and regulations of the industrial board and by the statute law of the State of New York, that it should be administered in the labor department, which has full jurisdiction over everything else in that factory building; that when an inspector goes into a factory to order a change in the ventilating system, for instance, that he should at the same time see to it that the change in the ventilating system was made with due reference to the protection of the life of the people against fire, as has been ordered in a number of cases, to make the whole thing one unit. For that reason we believe that in this one particular the factory building should be put under the jurisdiction of the labor department in the city of New York, and not left to the fire department, even though the matters ordinarily do relate to matters of fire prevention.

SENATOR GRIFFIN: We will now take up the fifth group. Bill No. 19, relating to bakeries. Is there any objection to this bill?

HENRY FLUEGELMAN, Esq., representing the Allied Retail Bakers' Associations, then addressed the Committee as follows:

MR. FLUEGELMAN: If you will permit me to say at this late hour, I want to say, with all due respect, that while I second the motion in all the remarks that were made about the Commission and the ability with which these bills were drafted, I will pay them an additional compliment and say that they are human, and

because they are human they are just as likely to err as any other human being. To proceed, I want to say that in speaking and appearing here I appear for the New York State Association of Master Bakers, the United Master Bakers of New York, the French and Italian Master Bakers' Association, the Bronx Master Bakers' Association, the Brooklyn Boss Bakers' Association, the Yonkers Master Bakers' Association, the Brooklyn German Boss Bakers' Association, and I have prepared a brief, which I know well the Committee will do me the courtesy of reading when I am through. I will ask for about twenty minutes.

The CHAIRMAN: Just a moment, Mr. Fluegelman. We have here eight people who are to speak in opposition to this bill. Now, I think that you may fairly be able to get your objection to this bill down to a specific statement and leave your brief with us for the rest.

Mr. FLUEGELMAN: I shall do so; I shall endeavor to do so, and I believe I can get through in five minutes.

Senator GRIFFIN: How many objections have you got to this bill?

Mr. FLUEGELMAN: I have an objection to 115 and 116 and a portion — and that is a provision as to the enforcement of the bill in cities of the first class, which is to turn over the entire jurisdiction to the board of health and take it from the commissioner of labor. Now, as to 115 and 116, I might make it very specific. I will take it all in one. We know that the bread eaters are the masses; they eat ninety per cent. of the bread; and we will now confine ourselves to the population in the large cities, particularly the city of New York, the tenement population. We find that in the tenement district, while there is a provision now in this enactment, this intended enactment, prohibiting the establishment of further bakeries in cellars, no attempt has been made to offer a substitute. Now, I am not speaking in favor of the bakers in the city alone, but I am going further than that. The tendency now is to do away with the middleman. If you annihilate that or prevent the establishment of further basement bakeries —

Mr. ELKUS (Interrupting): How do you?

Mr. FLUEGELMAN: Because you are prohibiting the further establishment of basement bakeries.

Mr. ELKUS: It permits basements bakeries. Have you read the law?

Mr. FLUEGELMAN: Of course; what you call a basement bakery is impossible to put in the tenement house.

Mr. ELKUS: I don't agree with you. You read section 111 and take it in connection with section 116, and you will find that basement bakeries are permitted. You cannot have a cellar bakery, but there is nothing to prevent a basement bakery.

Mr. FLUEGELMAN: I will change it and call it a cellar bakery, the present cellar bakery under the street level, and we will agree upon that. I want to make this very emphatic. The poor man buys his bread as he needs it. Now, the only way a poor man, the tenement dweller, will get his bread is either direct from the baker in the immediate vicinity or from a grocer. Now, the grocer—if you prevent the establishment of further cellar bakeries, they will have to go to the grocer. That will ultimately be so, because you can't possibly attempt to leave those bakers that are now there and prevent the creating of new ones. Now, I want to say that all these bakers are in favor of safeguarding the baking industry; they are in favor of medical supervision wherein to prevent such as are afflicted with diseases from working in a bakery. You drive out a cellar bakery from a tenement district and you don't give them a substitute; you make it impossible to stay there under the conditions. Now, the only thing you will do is this: that the wholesale baker will deliver his rolls and bread to the grocer; the grocer will sell it, and whether he keeps it in a glass case or a tin box, he will have the handling of it after the wholesale baker has handled it, and after handling such stuff as soaps, kerosene, malodorous cheeses, dried fish and other similar objects, and then hand that product over to the consumer, instead of handing it over from the ovens to the consumer. You will add to that difficulty that we are going to the middleman instead of away from him. Instead of helping the little baker to sell directly to the consumer you are establishing the grocer as a middleman. Does this com-

mittee know that they are bringing bread into the City of New York from Springfield, Massachusetts?

Senator GRIFFIN: Won't you kindly state what your specific objection is to this bill?

Mr. FLUEGELMAN: The specific objection is that if you drive out the cellar bakery without offering a substitute as to what you should do in the tenement districts —

Senator GRIFFIN (Interrupting): Well, now, what particular substitute would you advise? What would you recommend?

Mr. FLUEGELMAN: As sanitary a cellar bakery as possible in relation to all the sanitary matters.

Senator GRIFFIN: In other words, you are in favor of the cellar bakery provided it is made sanitary?

Mr. FLUEGELMAN: In tenement districts where enough changes can be put there. If you don't permit that, you will create a middle class, which is the grocer, and they are bringing the bread from a distance; you will create monopolies in favor of wholesale grocers. You will create monopolies in favor of wholesale bakers who are delivering bread from a distance.

Mr. ELKUS: Mr. Fluegelman, aren't you in error when you say you cannot put a basement bakery in a tenement house?

Mr. FLUEGELMAN: You can tear the house down —

Mr. ELKUS (Interrupting): Every cellar bakery that is in existence today, by this act, or has been used as such for two years past can be retained as a cellar bakery.

Mr. FLUEGELMAN: I understand that.

Mr. ELKUS: This only provides as to future buildings, as to new buildings. And if a building is going to be built new, you can put it up with the basement over half above the yard level and have fresh air in it.

Mr. FLUEGELMAN: Because the act provides as to how high it should be above the street level, and where are you going to put the store?

Senator GRIFFIN: Mr. Fluegelman, I can't understand why you, representing so many reputable business concerns, bakery associations, can take the position of fighting for the cellar bakery: that is, for the continuation of it in new buildings.

Mr. FLUEGELMAN: Because I contend, Mr. Chairman —

Senator GRIFFIN (Interrupting): I was going to ask whether any of these associations for which you appear do their baking in cellar bakeries?

Mr. FLUEGELMAN: About 95 per cent. of them.

Senator GRIFFIN: They actually do their baking in cellar bakeries?

Mr. FLUEGELMAN: Yes; you will find some of the cleanest places.

Mr. ELKUS: We have visited practically every cellar bakery in New York City. I can tell you some things about them that you wouldn't like to know.

Mr. FLUEGELMAN: I am not talking of the factories, but the bakeries.

The CHAIRMAN: Is that your only objection, Mr. Fluegelman?

Mr. FLUEGELMAN: Leaving this question, I will continue with another very serious objection. You can take a certificate away from a bakery upon charges, and without a hearing. You say you will come in today and upon inspection give a certificate, but upon the least transgression we shall come in and close it up and refuse to issue you a new certificate. I want to say now that 90 per cent. of what the baker holds in his business is good will; his baking utensils are not worth 10 per cent. of his business and when you refuse to issue a new certificate you are annihilating a business which that man has established and had there for years. You are making it possible for some authority to refuse to issue a new certificate. I am going to close now. I will ask you to read my brief.

The CHAIRMAN: We will be very glad to. Mr. Rabenhold.

Mr. ELWOOD N. RABENHOLD, representing the New York Retail Bakers' Association, then addressed the committee as follows:

Mr. RABENHOLD: I speak on behalf of the New York Retail Bakers' Association, a membership corporation composed of fifty members, bakers, who own their own bakeshops in which there is invested from five to fifty thousand dollars of actual capital by each baker. We realize that the atmosphere of this hearing is distinctly sympathetic to every bill that has been recommended by the State Factory Investigating Commission to you, before this committee of the legislature for enactment into law, and I want to say that I am very anxious indeed to keep myself within that sympathetic atmosphere on behalf of this association, because we are keenly aware of the great public service done by this Commission.

In this bill No. 19, I urge, on behalf of this association that there be an amendment incorporated in the section 116 to read as follows: I shall hand up this amendment after I have read it:

"Section 116. Prohibition of future cellar bakeries. No bakery shall hereafter be located in a cellar and a sanitary certificate shall not be issued for any bakery so located,—and this is the amendment—unless such bakery be at least nine feet in height measured from the surface of the finished floor to the under side of the ceiling, and the plans for the construction and establishment of such bakery shall have been first submitted to the commissioner of labor and shown to comply with all the provisions of this chapter."

And the few words I wish to say in urging that amendment are simply these: You are defining a cellar as that part of a building which is more than one-half its height below the level of the curb or ground. Now, that description applies with exactness to the exceptions which you have incorporated from the definition of a bakery. These exceptions in section 111 are kitchens in hotels, restaurants, boarding houses or private residences wherein such products are prepared to be used and are used exclusively on the premises.

I simply submit to this committee in the first place that the definition of a cellar is no different from the definition of any basement of a hotel to be supplied to many of our people that are served by any one of my clients.

And in the second place, I think that your definition of a bakery, if it holds true at all, must apply equally to those very basement bakeries in the hotels themselves. And then I ask you if your justification for prohibiting future cellar bakeries reposes in the fact that you wish to prevent sanitary conditions being unjust or unwholesome? I ask you where can the exception arise? And if you justify it upon the ground that it is more adequate, it can equally be justified in the conditions as they exist. I ask you how can you discriminate between the basements which are real cellars just as much in the hotels as they are in any other building because they bake? There is something. How can you distinguish between them?

Now, we submit simply this proposition: the bakeshops for whom I am speaking have the utmost desire to comply with every possible regulation that this committee may enact into law for sanitation, and we urge that to the fullest extent. And we urge that there shall be these qualifications upon the erection of a new future cellar bakery: that it shall first prove itself to be physically arranged and planned so that it may comply with the law, and then perhaps have all the structural changes which this act calls for and then have them comply with all your sanitary arrangements.

Mr. ELKUS: Your association is in favor of every provision in this bill except the one prohibiting future cellar bakeries?

Mr. RABENHOLD: I would like to extend my answer. The reason we are so sympathetic with the work of this Commission is that when there was a tentative draft of a bill before the Commission, when it sat in the court house in New York county, we submitted a memorandum in which we urged certain distinct and rather radical changes, and the bill now before this committee embodies practically every one of the very recommendations that we made. That is why we are so distinctly sympathetic with this bill.

Senator GRIFFIN: Doctor Abraham Korn, president of the United Real Estate Owners' Association.

Doctor KORN: Mr. Chairman, I have a great amount of criticism of this bill. I want to speak on one or two points and the first point is in reference to the medical examination of the health inspector. I think you are going to do a great injustice to the laboring man in forcing him to submit to a medical examination without giving the discretion of having an examination by his private physician. I think he should have that right, to bring a certificate, if it was sworn to by his private physician in regards to his health and any disease that he may be suffering from. I think that your committee should make that change.

I also agree with that part of the bill about jurisdiction of the building of the bakeshops under the health department of the city of New York. To-day you have three different departments concentrating its force over the bakeshop industry. If you pass the bill as it is now and put it up to the health department you will concentrate the responsibility under one head, and that is as it should be.

Now, we also object to the wiping out of any future cellar bakeries as you call them. You can keep cellar bakeries just as sanitary as you can keep bakeries above the curb level. And if you realize that 90 per cent. of the baking is done below the ground and that you are not required to have sunlight in the bakeshops, you will see there should be no difficulty in having bakeshops in the cellar. If you eliminate further bakeshops in the cellar you are playing into the hands of the trust, and the poor man is going to suffer, and we are crying now for the high cost of living. If you will wipe out the cellar bakeries, the poor man will get a smaller loaf of bread.

Senator GRIFFIN: It simply means to prohibit the building of further bakeries in cellars.

Doctor KORN: I understand that, Mr. Chairman, but you must understand that eventually it will be the trend to wipe out the now existing cellar bakeries.

Senator GRIFFIN: Mr. Frank P. Hill.

Mr. FRANK P. HILL, representing the New York Retail Bakers' Association, then addressed the committee as follows:

Mr. HILL: Mr. Chairman, I speak representing the New York Retail Bakers' Association. I wish to confine my remarks particularly to the section relating to cellar bakeries, and in speaking on that I believe I am speaking not only as a baker, but as one who is simply a citizen considering the welfare of the public. In my judgment, if you pass this bill, it will not be ten years certainly, I believe it will not be five years until practically every cellar bakery in New York city will be out of business. You can't —

Senator GRIFFIN (Interrupting): Isn't that a good thing?

Mr. HILL: I think not, Mr. Chairman; I don't think so. I don't think the public is going to gain anything by forcing the small baker out of business. I will go as far with you as you like in the matter of sanitation. We don't care who inspects the bakeshops. We don't care what you do in regard to sanitation or ventilation. Make them absolutely clean. But I will show you cellar bakeries that are as clean and as wholesome as can be made. And I have taken ladies representing the Housewives' League and representing other organizations into the cellar bakeries and they have admitted that they were clean and wholesome.

Senator GRIFFIN: There is nothing in this bill that affects the cellar bakeries that are now in existence.

Mr. HILL: But, look here, you forbid me or any man who has a cellar, from opening another one.

Senator GRIFFIN: Surely; that is the object of the bill.

Mr. HILL: My lease expires and where am I going to get another shop. The owner can raise my rent so that I can't stay. For that reason you will wipe out a class of men that you think you do not want. But the tendency as has been admitted in the report of Doctor Price, is towards concentration to-day in the baking business.

Senator GRIFFIN: Is that the only objection that you have?

Mr. HILL: This cellar proposition is the only objection I have got to it.

Senator GRIFFIN: Everything else —

Mr. HILL (Interrupting): Let me make another statement. I read in a paper just recently, a labor organization paper, by the way, which made this statement as a fact. They claim that at the present time 40 per cent. of the bread production of this country is controlled by three corporations or a capitalization of \$66,000,000.

Senator GRIFFIN: Mr. Charles E. Abbott.

Mr. CHARLES E. ABBOTT, representing the Wholesale Bakers' Association of the city of New York, then addressed the committee as follows:

Mr. ABBOTT: Mr. Chairman and gentlemen of the committee, I would like to speak in reference to the cellar bakeries first, and to the abolition of the cellar bakery. I represent the Wholesale Bakers' Association of the city of New York. We are against the abolishing of cellar bakeries. We believe they can be kept just as clean as any room above the sidewalk and, as Mr. Hill has just said, our rents will be increased as soon as the landlords find out that we have got to stay with them, so I won't dwell further on that.

I wish to go on record as opposing the abolition of cellar bakeries. Mr. Chairman, I wish to speak in regard to section 115, in regard to the certificate. That is a reiteration of a part of section 114. There is about six lines, beginning with line 23 in section 114, that says everything that is said in section 115. I believe that section 115 is superfluous and entirely unnecessary and is a menace to our business. I believe that every inspector is honest, but if we should happen to have an inspector appointed that is not honest, I don't know but what he might possibly have a price for that certificate. If our bakeshop was dirty, unclean and all that sort of thing it might protect a whole lot if the price was paid, wouldn't it? I speak of that as something that might

happen. That I think is a very serious objection to the certificate, and we wish to go on record as opposing that.

In regard to section 113, the prohibited employment of diseased bakers, we feel that you have not gone far enough in that matter. We feel that every baker should carry a health certificate with him when applying for a position. My association feels that that would be one of the very best things you could put into this bill, because disease often times is covered up in such a way that we do not know that it is in the shop or that it exists, and we feel that that should be put in this clause. That is all, Mr. Chairman.

Senator GRIFFIN: Mr. Phillips.

Mr. PHILLIPS, representing the Greater New York Taxpayers' Association, then addressed the Committee as follows:

Mr. PHILLIPS: I represent, Mr. Chairman, the Greater New York Taxpayers' Association, that is a real estate organization. I have appeared before the Commission and I think at that time we said we did not oppose the abolition of future cellar bakeries. We have since investigated the matter and concluded that the real estate interests as such are opposed to the prohibition of cellar bakeries in future buildings.

Senator GRIFFIN: Therefore you have changed your mind?

Mr. PHILLIPS: We will tell you the reasons.

Senator GRIFFIN: The real estate men made you change your mind?

Mr. PHILLIPS: At that time we were also real estate men.

Mr. ELKUS: You represent Doctor Korn's association?

Mr. PHILLIPS: I represent another association affiliated with Doctor Korn's association. We represent mostly the crowded section of the city. With reference to the certificates, we oppose that, but not in the sense which other opponents have brought out. We say that so much power ought not to be given to any one man as is given in this bill; but providing for a means of review, and if you will also insert into the bill an amendment which would provide for review from the decision of the Commissioner —

Senator GRIFFIN: Have you prepared such an amendment?

Mr. PHILLIPS: No, I have not prepared such an amendment.

Senator GRIFFIN: I would suggest that you prepare such an amendment, and I would also suggest to Mr. Abbott that he prepare an amendment along the lines which he suggested and submit it to the committee, and it will receive careful consideration.

Mr. PHILLIPS: I will be glad to prepare such an amendment and mail it to Mr. Elkus.

Senator GRIFFIN: Mail it to the committee.

Mr. PHILLIPS: I think that would probably do away with that fault.

Senator GRIFFIN: And send a copy to the chairman of each of the committees, in the Senate and in the Assembly.

Mr. PHILLIPS: That is the main thing that we strive for.

Senator GRIFFIN: Mr. J. C. Bogart.

Mr. J. C. BOGART, representing the New York Flour Club, then addressed the committee as follows:

Mr. BOGART: I represent the New York Flour Club. The New York Flour Club is an association of men in the flour business, or in some way connected with the flour business in New York city, and represents at least 80 per cent. of the flour trade of New York city. Among our members are some of the largest bakers' supply houses here, and we are vitally interested in the wholesome welfare of the bakers of our city.

We would consider it a grave injustice to ourselves as well as to the bakers and the public at large if the bakers in our city were unfairly discriminated against in their struggle for existence either by conditions such as they could not reasonably hope to contend against, or by making it possible for bakers of other localities to determine their business here in their home market by more favorable terms. This, we believe, will be the effect of section 116 of the proposed law, which prohibits the establishment of future cellar bakeries.

We are most heartily and sincerely in favor of proper and rigid enforcement of sanitary conditions in bakeries, whether they be

above the street level or in the basements. But we see no reason for thinking that a bakery established in a cellar should be less sanitary than one above the street level, because baking kills germs, and only those germs are dangerous that the bread has collected after the baking process. It is, in our opinion, entirely a question of regulation, and not of location.

We also protest against section 115, making it necessary for bakers to have sanitary certificates. Such a certificate can add nothing to a clean bakery, and the board will have the power to close up a dirty place with or without such a certificate. On the other hand, such certificates will give a possible opportunity for an unfair person to make demands for graft on the small baker, who is always reluctant to go into the courts to force recognition of his rights.

We believe either or both of these sections would have the effect of gradually reducing rather than increasing the number of small bakeries.

The business done by those we represent, amounting to not less than two million dollars per week, directly affects not less than three hundred thousand persons, and is of deepest interest financially to the entire city and deserves your greatest consideration.

Senator GRIFFIN: Mr. Claper.

Mr. R. A. CLAPER, representing the New York Produce Exchange, then addressed the Committee as follows:

Mr. CLAPER: I represent the New York Produce Exchange. We have a committee of three up here, Mr. Chairman, to protest against 116, section 116. I don't propose to make any argument at all, because you gentlemen have been very long suffering, and we are perfectly willing to leave this argument in your hands if you will give it consideration.

Senator GRIFFIN: I will call upon Doctor Ernst J. Lederle.

Dr. ERNST J. LEDERLE, Health Commissioner of the City of New York, then addressed the Committee as follows:

Dr. LEDERLE: Mr. Chairman, one of your rulings has placed me in a very embarrassing position because while I am most heartily in favor of most all of the provisions of this bill, I had

some suggestions to make, and according to your ruling that places me in opposition to the bill. Rather than take advantage of that and be classed as an opponent, I would waive that right and speak in the affirmative, but if you will permit me I will submit my suggestions in writing.

Mr. ELKUS: Will you send them to me, Doctor?

Dr. LEDERLE: I will send them to you, Mr. Elkus. I would like to say that as far as the Health Department of the City of New York is concerned, you cannot pass this particular bill too quickly. I want to say that we are alive to the criticisms that have been made in regard to dirty bakeries in the city of New York. We have been trying for two years to have the local conditions remedied so that the responsibility for those conditions can be concentrated. We think that you have done that in this bill and heartily favor it.

I am not here to-night to air the question of dirty bakeries in the city of New York, but I am thoroughly familiar with them from personal inspection. We intend in the spring to have a house cleaning of the city on a very large scale. And if you will pass this bill I promise you that one of the first things that we will begin on will be the dirty bakeries in the city of New York. I haven't anything more to say. I thank you for the courtesy.

Senator GRIFFIN: Do you object to cellar bakeries, I am requested to ask you.

Dr. LEDERLE: I object to all dirty bakeries.

Senator GRIFFIN: Any dirty bakeries, cellar bakeries?

Dr. LEDERLE: When the bakers of the city of New York will demonstrate that they can keep cellar bakeries clean, then I perhaps might modify my view. I think under the present conditions, I think it is advisable to prevent the establishment of dirty cellar bakeries. If, on the other hand, the bakers of the city of New York will demonstrate during this year that they can keep cellar bakeries in a proper sanitary condition, I for one will be willing to come up next year and ask you to amend that

particular section in your law. But I am not prepared to do it now.

Mr. ABBOTT: May I not ask that you give the bakers that one year, and pass the amendment next year?

Senator GRIFFIN: I will call upon Doctor Price.

Dr. GEORGE M. PRICE, Director of Investigation of the State Factory Investigation Commission, then addressed the Committee as follows:

Dr. PRICE: I want to say a few words about the cellar bakeries. Mr. Fosdick has examined one hundred and forty bakeries and has found all of them in the cellar, and has found not one of them in a sanitary condition. I and my inspectors have examined four hundred and ninety-five cellar bakeries, and we have not found one cellar bakery which was in a good sanitary condition. I believe all sanitarians agree with me that you cannot make a cellar bakery sanitary. You cannot have the daylight in a cellar bakery. You cannot have cleanliness because all the dirt of the street goes into the cellar bakery, unless you have forced ventilation, and they do not have that because it costs money. And you cannot have very sanitary conditions. They are impossible in a cellar.

New York city is the only city practically where cellar bakeries are in existence. Chicago has abolished it. Other cities haven't got these cellar bakeries, and I don't see why New York city should be the only one that has this blot upon its civilization.

In 1895 there was a bill introduced by Assemblyman Odett to prohibit cellar bakeries. That was perhaps a little too early. I hope now it is not too late.

Senator GRIFFIN: I want to make an announcement to you; that when the hearing is concluded on this group, that is, the bakeries, we will proceed to the group of bills that relate to foundries, unless you desire to submit your views in writing. And I will say that in connection with the other bills upon which a hearing has been held to-day that the committees will be very glad

to receive any written communications for or against these bills. We will hear from Mr. McClintock.

Mr. McCLINTOCK, representing the National Founders' Association, then addressed the Committee as follows:

Mr. McCLINTOCK: On behalf of group 6, I simply wish to reserve the right and will be glad to submit our suggestions — we are not very far apart — in the way of a brief.

Senator GRIFFIN: Yes; we will be glad to hear from you.

Mr. McCLINTOCK: Rather than appear here again next week. And I simply wish to reserve the right that we have entered an appearance, and then submit our brief for your consideration if that is agreeable to the committee.

Senator GRIFFIN: Yes. Is there anybody else who desires to enter an appearance on the foundry bills?

(No response.)

Senator GRIFFIN: The hearing on the bakery bill is not concluded. There are a few persons here who desire to be heard, and the committees are willing to wait here until all persons can be heard that desire to be heard. I will call upon Miss Parker.

Miss PARKER, representing the New York City Consumers' League, then addressed the committee as follows:

Miss PARKER: I wanted to say as representing a committee of the New York City Consumers' League, I wanted to answer two objections that I have heard. I have a quotation from the Chicago Health Bulletin saying that since 1907, 400 bakeries have left cellars; above-ground bakeries have increased from 750 to 1,300, making an increase of 13 per cent. of the bakeries in Chicago since the passage of their ordinance. This does not look as though the prohibition of future cellar bakeries was going to drive the small baker out of business.

Secondly, as a housekeeper, it is only natural to know that light is of great assistance in cleanliness in every way. Two years ago — in the summer of 1907, we made an investigation and brought

these facts out. We made an investigation last summer and found that one-third of the bakeries — and did it as fairly as possible — did not have conditions clean enough — and cannot have — for the people to eat their bread, in New York City.

I have only the highest praise for those who have made the changes for better conditions.

Thirdly, I would like to ask the flour people that: if they sell at a different price to the large than to the small bakers? I don't say that they do. But I ask this for information.

Senator GRIFFIN: I call Mr. Chris. Kerker.

Mr. CHRIS. KERKER, general organizer of the Bakery and Confectionery Union, then addressed the committee as follows:

Mr. KERKER: Mr. Chairman, Gentlemen and Ladies: We have heard a whole lot this afternoon in opposition to this bill. Now, I believe the old country could best talk upon the situation of a cellar bakery, the European countries. Those who can best talk upon the situation of a cellar bakery are the ones who are employed in those cellars, and not real estate people nor stock exchange men who do not know as to the condition that a man must face when he is put down there where neither fresh air nor sunlight reaches him. The reasons that we object to cellar bakeries mostly are, you can do what you will, as long as they are down there, damp, and the man adheres to rheumatics, and after rheumatics he adheres to asthma, and after that to tuberculosis, and I believe the reports are sufficient to prove the argument of the bakery workers in this country. You master bakers don't want to hear that.

I would like to say, because they know the International Association of Bakery Workers have an honest argument, and that as bakery workers are to-day, that this is the best bill that has ever been drafted by any committee that had been appointed to investigate the condition of the bakery workers in New York City. You hear no argument from the State bosses, but New York City. And why is it? Because the boss bakers of New York City are not progressive. They want to drive them

back into the slavish servitude that they have served in years back. And, for God's sake, if it is possible in Europe, if it is possible in Russia, why can't it in a cultured State like New York be possible? Some of these New York people have told you that they don't know what to do if they were barred from the place that they were in. Some real estate people have told you this. You go to the Bronx baker, you will find that they have been increased, those that were erected in the last four years, that are not in cellars. If it is possible there why isn't it possible for the bakers in Manhattan? If it is possible that they can do business in the Bronx, why can't they do it in Manhattan? But the question is, you are going to touch their money, and that is why they are howling.

As far as the gentleman says about the trust, I don't know as the trust is going to eat them up, although we know that the trust is incorporated for a hundred and fifty-six million dollars.

And the argument that has been presented by the gentleman of the produce exchange is this: one point is the money pocket. I would like to see if Mr. Bogart would go down in a cellar producing bread.

Mr. Chairman, I thank you one and all for the courtesy you have extended to me, and I do say to you in all sincerity, the Bakers and Confectionery Workers' International Union, affiliated with the American Federation of Labor, will back your bill.

Senator GRIFFIN: Mr. Kerker, we are very sorry that you did not present your name a little earlier.

Mr. MILSPON, representing the Bronx Association, then engaged in the following colloquy:

Mr. MILSPON: Would you, Mr. Kerker, in regard to the future establishment of cellar bakeries, take into consideration the fact that in the old tenement-houses existing in the city of New York to-day that have the conditions which you object to — would you object, for instance, to the tenement-house laws as now constituted for the building of tenement-houses, would you object to the establishment of a bakery under those conditions and under the rules and regulations as submitted here by the amendment they propose

to introduce? Can we not now, as a rule, build our tenement-houses with sanitary arrangements for a bakery in the new tenement-house buildings under the new tenement laws equal to any built above the ground level?

Mr. KERKER: If it is built above the grade level, yes; but according to what I understand, you people want to build them down.

Mr. MILSPON: Don't you think that any built under the tenement-house laws now, are as good a bakery in the so-called basement, that is, below the curb, just as good as below?

Mr. KERKER: No.

Mr. ELKUS: This act permits basement bakeries.

Senator GRIFFIN: Bakeries below the curb level we wipe out. I will call upon John R. Shillady.

JOHN R. SHILLADY, executive secretary, Buffalo Association for the Relief and Control of Tuberculosis, then addressed the committee as follows:

Mr. SHILLADY: Most of the talk on the bakeries has been from the point of view of the consumer, and I have a great deal of sympathy with the man that has to work in the bakery, and he is more important than the consumers. You cannot have sanitary anything without sunlight, and from the point of view of tuberculosis no institution can be safe and sanitary which does not have the sun entering directly, and for that reason I think the law providing for the prohibition of future cellar bakeries is justified and ought to be carried through.

As to the medical examination. One man suggested that if a man presented a medical certificate from his physician that should be sufficient. It is not sufficient, because I can give a certificate from a large number of physicians, because they don't know contagious diseases when they see them.

Then I think the provision for sanitary certificates of the department of health is not unreasonable, and that the possibility of graft of an inspector of course is there, but large powers are

lodged in the department of health now and in the main they have not been abused. I think that the public needs and the facilities given to the bakers to protect themselves through their organizations against the abuses of that power are sufficient.

Then I just wish to say I am appearing specially for a trades union section of this association which has got three unions, and it is heartily in favor of all of the bills. I am not speaking of fire prevention, but on the reorganization of the department and sanitary conditions.

Mr. INTEMANN, a confectioner, then addressed the committee as follows:

Mr. INTEMANN: The beginning of the bill says something about bakery and confectionery. There is nothing said about confectionery all through the bill, and the end of it, I believe, mentions confectionery. I have been a confectioner all my life, but I don't know anything about the bakers.

Mr. ELKUS: The bill doesn't affect the confectioners; it is the wording of the old act.

Mr. INTEMANN: That ought to be taken out of the bill.

Senator GRIFFIN: Then you suggest to amend the title?

Mr. INTEMANN: Yes.

Senator GRIFFIN: Mr. Henry Koch.

Mr. HENRY KOCH, member of general executive board of the Bakers' International Union of America, then addressed the committee as follows:

Mr. KOCH: Mr. Chairman and Members of the Committee: I have come here to congratulate the Commission for drawing up this bakers' bill. We have read through the bill and heard many of the arguments that they have presented here this afternoon made from the side of the bosses.

As far as physical examination is concerned, our organization is in favor of it. No man is admitted in our organization unless he passes a physical examination. And another thing, when our

men are sick we are taking care of them so that they will not have to go and produce bread and work while they are in that state. We will give them financial support.

As far as the elimination of cellar bakeries is concerned, our organization is in favor of it, as my co-officer, Brother Kerker, has said. In Chicago, we had the assistance of Doctor Evans, who has made it a study out there and he can show that in any cellar where no sunshine can reach, they are contracting, through the baking process, diseases, and people eat the bread. For this reason we think, wherever possible, there should be legislation prohibiting bakeries in cellars.

The State of New Jersey has passed a law of that kind since 1905, and I find that every small baker business in the State of New Jersey who was in existence then is still in existence, and there are more smaller bakers. Before the working men were compelled to work in the cellar, and now they work above ground, and the consequence is that our men are healthier, that the product which they make is better and the people in general are better satisfied. Therefore, I again urge on the committee to pass this bill. I thank you.

Senator GRIFFIN: The hearing on the bakery bills is now closed, unless there is anyone who desires to say anything further in behalf of the bill. On the foundry bill there is a gentleman here who has to go back, and I will ask him to give his appearance to the stenographer.

The gentleman referred to left the following data with the stenographer: John W. Van Allen, Buffalo, representing a group of manufacturers who are members of the Buffalo chamber of commerce, about two hundred in number.

Mr. VAN ALLEN: I have two slight amendments to the foundry bills, Mr. Elkus, which I would like to suggest, and I am leaving them with your associate. They are in pencil.

Mr. ELKUS: All right, Mr. Van Allen, that will be very good.

Mr. Van Allen asks that his remarks before the Commission in Buffalo be incorporated in this record.

LIST OF PROPOSED BILLS.*

1. Fire prevention.
2. Fire drills and fire alarm signal systems.
3. Automatic sprinklers.
4. Fire escapes and exits; stairs and doors.
5. Limitation of the number of occupants in factories.
6. Organization of the labor department; division of industrial, hygiene and medical inspection.
7. Advisory board to the department of labor.
8. Bureau of mercantile inspection, extension to cities of the second class.
9. Definition of a factory.
10. Posting abstracts of the labor law.
11. Cleanliness of factory buildings.
12. Cleanliness of workrooms.
13. Seats for female employees in factories.
14. Seats for female employees in mercantile establishments.
15. Prohibition of night work by women.
16. Employment of women in core-rooms.
17. Foundry bill.
18. Accident prevention, lighting of factories and workrooms.

* These are the tentative bills that were issued by the commission and that were considered and discussed at public hearings. They are referred to repeatedly in the testimony. They should not be confused with the bills finally recommended by the commission which are to be found in Volume I of the second report, page 297, *et seq.*

19. Physical examination of children between fourteen and sixteen years employed in factories.
20. Prohibition of the employment of children in dangerous trades.
21. Service of summons in another county, in proceedings against a corporation for violation of labor law.
22. Drinking water, washrooms, dressing rooms and water closets.
23. A, B & C. Extension of the jurisdiction of the children's court in cities of the first class to cover prosecutions for violations of the child labor and compulsory education laws.
24. Elevators; freight and passenger.
- 25A. General ventilation in existing factories.
- 25B. Special ventilation for removal of dust, gases and fumes in all factories.
26. Bakery Bill; licensing; prohibition of future cellar bakeries; physical examination of employees.

(The following proposed bills embody recommendations submitted to the New York State Factory Commission. They are tentative merely and have not yet been approved by the Commission and are submitted in their present form for criticism and suggestion. Please address all communications concerning these proposed bills to the New York State Factory Commission, 170 Broadway, New York City. If you desire to be heard on any of them, please notify the Commission.)

PROPOSED BILL NO. 1.

AN ACT

To amend the labor law, in relation to fire prevention in factories.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article six of chapter thirty-six of the laws of
2 nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," as
4 amended by chapter three hundred and twenty-nine of the laws
5 of nineteen hundred and twelve, is hereby amended to read as
6 follows:

7 § 83-c. Fire proof receptacles; gas jets; smoking. 1. Every
8 factory shall be provided with properly covered fire proof re-
9 ceptacles, the number, style and location of which shall be ap-
10 proved in the city of New York by the fire commissioner, and

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

1 elsewhere, by the commissioner of labor. There shall be deposited
2 in such receptacles all inflammable waste materials, cuttings and
3 rubbish. No waste materials, cuttings and rubbish shall be per-
4 mitted to accumulate on the floors of any factory but shall be
5 removed therefrom not less than twice each day. All such waste
6 materials, cuttings and rubbish shall be entirely removed from a
7 factory building at least once in each day.

8. 2. All gas jets or lights in factories shall be properly enclosed
9 by globes, wire cages or otherwise properly protected in a manner
10 approved in the city of New York by the fire commissioner of
11 such city, and elsewhere, by the commissioner of labor.

12. 3. Smoking in a factory is prohibited. A notice of such pro-
13 hibition stating the penalty for violation thereof shall be posted
14 *in every entrance hall, elevator car, stairway landing and every*
15 *room* [on every floor] of such factory in English and also in
16 such other language or languages as the fire commissioner of the
17 city of New York in such city, and elsewhere, the state fire
18 marshal, shall direct. The fire commissioner of the city of New
19 York in such city, and elsewhere, the state fire marshal shall
20 enforce the provisions of this subdivision.

21 § 2. This act shall take effect immediately.

PROPOSED BILL NO. 2.

AN ACT

To amend the labor law, in relation to fire alarm signal systems and fire drills.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article six of chapter thirty-six of the laws of nine-
2 teen hundred and nine, entitled "An act relating to labor, con-
3 stituting chapter thirty-one of the consolidated laws," as amended
4 by chapter three hundred and thirty of the laws of nineteen hun-
5 dred and twelve, is hereby amended to read as follows:

6 § 83-a. *Fire alarm signal systems and fire drills. 1. Every*
7 *factory building more than two stories in height shall be equipped*
8 *with a fire alarm signal system with a sufficient number of gongs*
9 *of proper size located on each floor of the factory building or*
10 *within each separate room where more than one factory is located*

1 on a single floor. The system shall be so installed as to permit
 2 the sounding of all the alarm gongs within a single building when-
 3 ever the alarm is sounded in any one portion thereof, which shall
 4 indicate in what portion of the building the alarm is first sounded.
 5 The means of sounding these alarms shall be placed within easy
 6 access of all the operatives within the factory or room and shall
 7 be plainly labelled. The fire alarm signal system is not to be
 8 used for any purpose other than in case of a fire or a fire drill,
 9 and it shall be the duty of the person in charge of any factory
 10 or part of a factory wherein a fire originates, to cause an alarm
 11 to be sounded immediately.

12 2. In every factory building over two stories in height a fire
 13 drill of all the occupants of such building shall be conducted at
 14 least once in every month and shall be subject to the approval and
 15 supervision of the local fire department or one of its officers. A
 16 demonstration of this fire drill shall be given upon the request
 17 of a representative of the fire department of the city or town in
 18 which the factory is located, and, except in the city of New York,
 19 upon the request of the state fire marshal or any of his deputies
 20 [in which more than twenty-five persons are regularly employed
 21 above the ground or first floor, a fire drill of the occupants of
 22 such building shall be conducted at least once in every three
 23 months under the supervision of the local fire department or
 24 one of its officers]. Appropriate rules and regulations to make
 25 effective [this] the provisions of this subdivision shall be pre-
 26 pared for the city of New York by the fire commissioner of

1 such city, and for other parts of the state, by the state fire marshal.
2 Such rules and regulations shall be posted on each floor of every
3 factory to which they apply. In the city of New York, the fire
4 commissioner of such city, and elsewhere, the state fire marshal
5 is charged with the duty of enforcing this section.
6 § 2. This act shall take effect immediately.

PROPOSED BILL NO. 3.

AN ACT

To amend the labor law, in relation to automatic sprinklers.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article six of chapter thirty-six of the laws of nine-
2 teen hundred and nine, entitled "An act relating to labor, con-
3 stituting chapter thirty-one of the consolidated laws," as amended
4 by chapter three hundred and thirty-two of the laws of nineteen
5 hundred and twelve, is hereby amended to read as follows:
6 § 83-b. Automatic sprinklers. In every factory building over
7 seven stories or over ninety feet in height *with ordinary wooden*
8 *floor finish or trim, in which any manufacturing is carried on*
9 *above the seventh story and more than two hundred people are*
10 *employed for any purpose above the seventh story, the owner of*

1 the building shall install an automatic sprinkler system through-
 2 out same. The sprinkler system shall have at least one automatic
 3 supply capable of furnishing water at a pressure sufficient to give
 4 not less than fifteen pounds on the highest line of sprinklers. The
 5 capacity of the automatic supply shall be ample to furnish water
 6 to at least twenty-five per centum of the sprinklers in any one
 7 floor area for at least twenty minutes at the average rate of
 8 twenty gallons per head per minute, and in all other respects
 9 shall be constructed in the form and manner approved in the
 10 city of New York by the fire commissioner of such city, and
 11 elsewhere in the state, by the state fire marshal. [in which wooden
 12 flooring or wooden trim is used and more than two hundred
 13 people are regularly employed above the seventh floor or more
 14 than ninety feet above the ground level of such building, the
 15 owner of the building shall install an automatic sprinkler sys-
 16 tem approved as to form and manner in the city of New York
 17 by the fire commissioner of such city, and elsewhere, by the state
 18 fire marshal. Such installation shall be made within one year
 19 after this section takes effect, but the fire commissioner of the
 20 city of New York in such city and the state fire marshal else-
 21 where may, for good cause shown, extend such time for an addi-
 22 tional year.] A failure to comply with this section shall be
 23 a misdemeanor as provided by section twelve hundred and
 24 seventy-five of the penal law and the provisions hereof shall also
 25 be enforced in the city of New York by the fire commissioner
 26 of such city in the manner provided by [title three of chapter

1 fifteen of the Greater New York charter,] *chapter eight hundred*
2 *and ninety-nine of the laws of nineteen hundred and eleven as*
3 *amended, and elsewhere by the state fire marshal in the manner*
4 *provided by [article ten-a of the insurance law] chapter four hun-*
5 *dred and fifty-one of the laws of nineteen hundred and eleven as*
6 *amended. Provided, however, that nothing contained in this sec-*
7 *tion shall be construed to limit in any way the power that the*
8 *fire commissioner of the city of New York in such city and the*
9 *state fire marshal elsewhere in the state now have to require the*
10 *installation of an automatic sprinkler system in any factory build-*
11 *ing, irrespective of its height.*

12 § 2. This act shall take effect immediately.

PROPOSED BILL NO. 4.

AN ACT

To amend the labor law, in relation to stairs and doors, and fire escapes and exits.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section eighty of chapter thirty-six of the laws of
2 nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," as
4 amended by chapter four hundred and sixty-one of the laws of
5 nineteen hundred and ten, is hereby amended to read as follows:
6 § 80. Stairs and doors. Proper and substantial hand rails
7 shall be provided on all stairways in factories. The steps and
8 landings of such [stairs] stairways shall be covered with rubber,
9 asphalt or other plastic material securely fastened thereon[, if
10 in the opinion of the commissioner of labor the safety of em-

1 ployees would be promoted thereby]. The stairways shall be
 2 properly screened on the sides and bottom. [All doors leading
 3 in or to any such factory shall be so constructed as to open
 4 outwardly where practicable, and shall not be locked, bolted or
 5 fastened during working hours.] *Where less than five persons are*
 6 *employed on any one floor of a factory all doors on such floor or*
 7 *floors leading to exits shall be so constructed as to open outwardly*
 8 *where practicable. Where five or more persons are employed on*
 9 *any one floor of a factory, all doors on such floor or floors leading*
 10 *to exits must open outwardly or be so constructed as to slide freely.*
 11 *Where doors open outwardly, they shall be so constructed or ar-*
 12 *ranged as to afford, when open, an unobstructed exterior passage-*
 13 *way of the same width as the stairway. No doors leading to a stair-*
 14 *way, elevator, outside fire escape or any other exit shall be locked,*
 15 *bolted or fastened during working hours. No door, window or*
 16 *other opening on any floor of [any such] a factory shall be ob-*
 17 *structed by stationary metal bars, grating or wire mesh. Metal*
 18 *bars, grating or wire mesh provided for any such doors, windows*
 19 *or openings shall be so constructed as to be readily movable or re-*
 20 *movable from the interior in such a manner as to afford the free*
 21 *and unobstructed use of such doors, windows or openings for pur-*
 22 *poses of egress, in case of need[.] and shall be left open or be*
 23 *removed during working hours.*

24 § 2. Section eighty-two of such chapter is hereby amended to
 25 read as follows:

26 § 82. Fire escapes *and exits*. [Such fire escapes as may be

1 deemed necessary by the commissioner of labor shall be provided
 2 on the outside of every factory in this state consisting of three
 3 or more stories in height. Each escape shall connect with each
 4 floor above the first, and shall be of sufficient strength, well
 5 fastened and secured, and shall have landings or balconies not
 6 less than six feet in length and three feet in width, guarded by
 7 iron railings not less than three feet in height, embracing at
 8 least two windows at each story and connected with the interior
 9 by easily accessible and unobstructed openings. The balconies
 10 or landings shall be connected by iron stairs, not less than
 11 eighteen inches wide, with steps of not less than six inches tread,
 12 placed at a proper slant and protected by a well secured hand-rail
 13 on both sides, and shall have a drop ladder not less than twelve
 14 inches wide reaching from the lower platform to the ground.

15 The windows or doors to the landing or balcony of each fire
 16 escape shall be of sufficient size and located as far as possible,
 17 consistent with accessibility from the stairways and elevator
 18 hatchways or openings, and a ladder from such fire escapes shall
 19 extend to the roof. Stationary stairs or ladders shall be pro-
 20 vided on the inside of every factory from the upper story to the
 21 roof, as a means of escape in case of fire.】

22 *1. Every factory in this state two stories or over in height shall*
 23 *be provided with at least two means of egress or escape from fire,*
 24 *remote from each other, leading to fire escapes on the outside of*
 25 *the building or to stairways on the inside, and no portion of any*
 26 *floor of such factory shall be further away than one hundred feet*

1 from at least one such means of egress. All such factories shall
2 have one or more fire escapes on the outside as directed by the
3 fire commissioner of the city of New York in such city, and
4 elsewhere in the state by the commissioner of labor, unless adequate
5 provision has otherwise been made for the safe egress of the occu-
6 pants in the building in the event of fire and panic. In case of
7 exemption from outside fire escapes, the fire commissioner of the
8 city of New York in such city, or the commissioner of labor else-
9 where in the state, as the case may be, shall give the owner, lessee
10 or occupant of the building a certificate to that effect and shall
11 file in his office as part of the public records thereof, a statement
12 setting forth in detail the reasons for such exemptions. All out-
13 side fire escapes shall be constructed of wrought iron or steel and
14 shall be so designed, constructed and erected as to safely sustain
15 on all platforms, balconies and stairways, with a factor of safety of
16 four, a live load of not less than ninety pounds per square foot.
17 The treads of the stairways shall sustain a live load of four hun-
18 dred pounds per step, with a factor of safety of four. Wherever
19 practicable continuous run or straight run stairways must be used.
20 Balconies or landings shall be provided on each floor above the
21 first embracing at least one or more windows or openings at each
22 story if the straight run construction is used; otherwise such bal-
23 conies shall embrace at least two openings at each story. Each
24 balcony shall connect with each floor above the first and shall be
25 of sufficient strength and well fastened and secured, and con-
26 nected with the interior of the building by easily accessible and

1 unobstructed openings. The balconies and stairways shall be at
2 least twenty-four inches wide in the clear at all points, ends and
3 sides, the length and width of the balcony to be determined by the
4 kind of stairway used and by the height and slope of such stair-
5 way. The stairways and balconies shall be guarded by iron rail-
6 ings not less than three feet in height, thoroughly and properly
7 braced. The balconies shall be connected by stairways placed at
8 an incline of not more than forty-five degrees with steps of not
9 less than six-inch tread and not over nine-inch rise.

10 A similar stairway shall be provided from the lowest balcony
11 to a safe landing place beneath; said stairway to remain down
12 permanently or to be arranged to swing up and down auto-
13 matically by counter-balancing weights. Except in the case of
14 fire escapes erected on the front of the building, there shall also
15 be a similar stairway from the top floor balcony to the roof, pro-
16 vided with a suitable landing placed at the roof, or a goose neck
17 ladder shall be provided from said top floor balcony leading to and
18 above the roof, properly fastened to the wall and roof. When
19 not erected on the front of the building, safe and unobstructed
20 exits shall be provided from the foot of the fire escape by means of
21 an open court or courts at least three feet wide in the clear, lead-
22 ing to the street or by means of a fireproof passageway at least
23 three feet wide in the clear leading from the foot of the fire es-
24 cape to the street; said fireproof passageway to be adequately
25 lighted at all times, the lights to be controlled by an independent
26 circuit. There shall be at least one light placed on each and

1 every fire escape balcony on the outside of the building, said
2 lights to be controlled by an independent circuit and to be kept
3 lighted at all times when any portion of the factory is in opera-
4 tion at night. The outside fire escapes and any and all parts
5 thereof and the fireproof passageway referred to in the foregoing
6 section, shall be constructed in all respects in accordance with
7 such specifications of construction as may be adopted by the fire
8 commissioner of the city of New York in such city, and by the
9 advisory board of the department of labor elsewhere in the state.

10 2. All windows and doors leading to outside fire escapes shall
11 be not less than two feet in width by five feet in height in the
12 clear, windows to have metal frames and sash, the doors and
13 frames to be constructed of fireproof material with wired glass
14 where glass is used. In all factories where more than twenty-
15 five persons are employed on any one floor, all doors and door-
16 ways on such floor or floors leading to outside fire escapes,
17 interior stairways, or passenger elevators shall be at least three
18 feet wide in the clear. A clearly painted sign marked "EXIT,"
19 having letters not less than eight inches in height, must be placed
20 over all exits leading to stairways, elevators and outside fire es-
21 capes, and in addition, a red light shall be placed over all such
22 exits for use at night. Free and unobstructed passage shall at all
23 times be maintained to provide easy access to all exits
24 and fire escapes. If the distance from the floor to the window
25 sill leading to outside fire escapes is more than two and one-half

1 feet, substantial permanent steps or a platform, secured to the
 2 floor, shall be constructed so as to provide at all times sufficient
 3 and easy access to the window sills.

4 3. Whenever in the opinion of the fire commissioner of the
 5 city of New York in such city and the commissioner of labor
 6 elsewhere in the state egress may be had from the roof of any
 7 factory to any adjoining or nearby structures, all stairways run-
 8 ning to the top floor of the building or so many of them as the
 9 said fire commissioner or commissioner of labor, as the case may
 10 be, shall direct, shall be extended to the roof of the building as
 11 a means of escape in case of fire.

12 4. There shall at all times be maintained continuous, safe and
 13 unobstructed passageways at least three feet wide in the clear,
 14 leading to every exit, including outside fire escapes, interior stair-
 15 ways and passenger elevators. Operatives in a factory shall be so
 16 placed or seated, and machines, machinery, merchandise and other
 17 articles so spaced or arranged with reference to the passageways
 18 so that the passageways will be within easy reach of every person
 19 in the factory.

20 5. In all existing factory buildings in which more than fifty
 21 persons are employed above the ground or first floor, all the stair-
 22 ways in such building shall be completely enclosed throughout by
 23 approved fireproof partitions of brick, terra cotta blocks or rein-
 24 forced stone concrete, extending continuously from the basement.
 25 Where a stairway extends to the top floor of a building the fire-
 26 proof partitions shall be carried to three feet above the roof and

1 the roof of the enclosure shall be constructed of fireproof material
2 at least four inches thick with a sky light at least three-fourths
3 the area of the shaft. If the stairway does not extend to the top
4 floor, the roof of the enclosure shall be constructed of fireproof
5 material at least four inches thick. The bottom of the enclosure
6 shall, in all cases, be fireproof unless the fireproof partitions ex-
7 tend to the cellar bottom. If the partitions are used as bearing
8 walls, the materials of construction and thickness of the walls
9 shall, in all respects conform with the requirements for bearing
10 walls as specified in section* . If the enclosing
11 partitions are not used as bearing walls when built of brick, they
12 shall be not less than eight inches in thickness for the uppermost
13 forty feet and shall increase four inches in thickness for each
14 lower increment of forty feet or part thereof; or when wholly sup-
15 ported by steel framing at vertical intervals of not over forty
16 feet, the enclosing partitions may be eight inches in thickness
17 throughout their entire height. If not used as bearing walls and
18 built of terra cotta blocks wholly supported by suitable steel
19 framing at vertical intervals of not over twenty-five feet, they
20 shall be not less than six inches thick. If not used as bearing
21 walls and built of reinforced stone concrete, they shall be not
22 less than four inches in thickness for the uppermost thirty feet
23 and shall increase four inches in thickness for each lower incre-
24 ment of thirty feet or part thereof; or when suitably supported at
25 vertical intervals of not over twenty-five feet, they may be four

*Specifications will be contained in State Building Code, now being drafted.

1 inches in thickness throughout their entire height. All the open-
2 ings in the said enclosing partitions shall be provided with fire-
3 proof doors or windows having wired glass where glass is used.
4 The materials and the methods of construction of said enclosing
5 partitions and the windows and doors in same, shall in all re-
6 spects, conform with the rules and regulations adopted with refer-
7 ence thereto by the fire commissioner and the superintendent of
8 buildings of the city of New York in such city, and elsewhere in
9 the state by the commissioner of labor and local officers, if any,
10 having supervision over the construction or alteration of factory
11 buildings.

12 Prior to the construction of any enclosing partitions referred
13 to in this subdivision, plans and specifications therefor shall be
14 filed and approved by the fire commissioner and superintendent
15 of buildings of the city of New York, in such city, and elsewhere
16 in the state by the commissioner of labor and the local authorities,
17 if any, having supervision over the construction and alteration of
18 buildings.

19 There shall also be erected on the outside of such factories fire
20 escapes constructed in accordance with the requirements of sub-
21 division one of this section, excepting, where at the time this act
22 takes effect there are outside fire escapes with balconies on each
23 floor of the building connected with stairways placed at an angle
24 of not more than sixty degrees. Except where erected on the
25 front of the building, such existing outside fire escapes will not
26 be accepted unless they are provided with a goose neck ladder lead-

1 *ing from the top floor balcony to and above the roof and a stair-*
 2 *way from the lowest balcony to a safe landing place beneath not*
 3 *less than twenty-four inches wide, which stairway shall remain*
 4 *down permanently or be arranged to swing up and down auto-*
 5 *matically by counter-balancing weights and unless also there be*
 6 *provided from the foot of the fire escapes a safe and unobstructed*
 7 *exit by means of an open court or courts at least three feet wide*
 8 *in the clear, leading to the street or by means of a fireproof pas-*
 9 *sageway, adequately lighted, at least three feet wide in the clear*
 10 *leading from the foot of said fire escape to the street.*

11 *The provisions of this subdivision relating to the enclosure of*
 12 *stairways shall not apply, where at the time this act takes effect,*
 13 *stairways are enclosed by fireproof partitions not less than four*
 14 *inches in thickness, constructed in the manner approved by the fire*
 15 *commissioner and the superintendent of buildings of the city of*
 16 *New York in such city and elsewhere in the state by the com-*
 17 *missioner of labor and local authorities, if any, exercising super-*
 18 *vision over the construction and alteration of buildings. In such*
 19 *cases, however, all the openings in the enclosing partitions shall be*
 20 *provided with fireproof doors or windows having wired glass*
 21 *where glass is used as hereinbefore specified.*

NOTE.—Provisfons for penalty fn case of violation now being drafted.

PROPOSED BILL NO. 5.

AN ACT

To amend the labor law, in relation to the limitation of the number of occupants in factories.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article six of chapter thirty-six of the laws of
2 nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," is hereby
4 amended by inserting therein, after section eighty-three-c, two
5 new sections, to be sections eighty-three-d and eighty-three-e
6 thereof, to read as follows:

7 § 83-d. *Limitation of number of occupants. The number of*
8 *persons who may occupy any floor in a factory building above*
9 *the ground or first floor shall be as follows:*

10 1. *No more than fourteen persons shall be employed or per-*

mitted to be employed on any one floor for every eighteen inches in width of stairway provided for such floor. For every additional sixteen inches over ten feet in height of any floor, one additional person may be employed thereon.

2. Where the stairways and stair halls are enclosed in fireproof partitions of brick, terra cotta blocks or reinforced stone concrete, provided with fireproof doors and windows built in accordance with the requirements for enclosing partitions for stairways as specified in subdivision five of section eighty-two of this chapter, such additional persons may be employed on any one floor as will be accommodated by the enclosed stair hall or halls on that floor on the basis of at least three square feet of unobstructed floor space in such hallways to each person. Additional number of persons at this same ratio will be permitted to be employed where, at the time this act takes effect, the stairways and stair halls are enclosed in fireproof partitions of brick, terra cotta blocks or reinforced concrete at least four inches thick constructed in a manner approved by the fire commissioner and superintendent of buildings of the city of New York in such city, and elsewhere in the state, by the commissioner of labor and local authority, if any, having supervision over the construction and alteration of buildings. The openings in all such enclosing partitions must, however, be provided with fireproof doors or windows, with wired glass where glass is used.

3. Where a building is subdivided by fireproof partitions of brick, terra cotta blocks or reinforced stone concrete, continuous

1 from the cellar to three feet above the roof, and constructed in
2 accordance with the requirements for enclosing partitions for
3 stairways as hereinbefore specified in this chapter and said fire-
4 proof partitions are provided with double self-closing fireproof
5 doors each of which shall be not less than forty inches nor more
6 than sixty-six inches in width, such additional number of per-
7 sons may be employed on any one floor as can be accommodated
8 in the smaller of the two spaces formed by the fireproof partitions
9 on the basis of at least three square feet of unobstructed floor
10 area per person, in such smaller area; provided that there shall
11 be proper stairway facilities on each side of the said fireproof
12 partitions. Doorways of sufficient width must be provided in
13 said partitions figured on the basis of eighteen inches in width
14 of openings for each additional fifty persons permitted to be em-
15 ployed on any one floor where the fireproof partitions, herein
16 specified, are constructed.

17 4. Where connections are made with an adjoining building by
18 means of an opening or openings in a fireproof wall separating the
19 buildings and extending from the cellar to not less than two feet
20 above the roof, each of said openings to be not less than forty
21 inches nor more than sixty-six inches in width, and to be pro-
22 vided with double self-closing fireproof doors, or, where connec-
23 tions are made with an adjoining or nearby building by means of
24 exterior fireproof balconies constructed as hereinafter provided
25 with self-closing fireproof doors at each end not less than forty
26 inches nor more than sixty-six inches in width, such additional

1 number of persons may be employed on any one floor so con-
2 nected, as can be accommodated on the floor with which con-
3 nection is made in such adjoining or nearby building in addition
4 to the occupants of such adjoining floor, allowing three square
5 feet of unobstructed floor area per person. Doorways of suffi-
6 cient width must be provided in the division wall or in the said
7 fireproof balcony figured on the basis of eighteen inches in width
8 of openings for each additional fifty persons permitted to be em-
9 ployed on any one floor connected as herein specified. The fire-
10 proof balconies referred to in this subdivision shall be enclosed on
11 all sides by terra cotta blocks, reinforced stone concrete or brick
12 and shall be not less than six feet high in the clear.

13 5. The number of persons permitted to be employed on any one
14 floor under subdivision one of this section, may be increased fifty
15 per centum where there is constructed and installed on each and
16 every floor of the factory building an automatic sprinkler system.
17 Such sprinkler system shall have at least one automatic supply
18 capable of furnishing water at a pressure sufficient to give not
19 less than fifteen pounds on the highest line of sprinklers. The
20 capacity of the automatic supply shall be ample to furnish water
21 to at least twenty-five per centum of the sprinklers on any one
22 floor area for at least twenty minutes at the average rate of
23 twenty gallons per head per minute. The sprinkler system shall
24 be otherwise constructed and installed in the form and manner
25 approved, in the city of New York, by the fire commissioner of
26 such city, and elsewhere in the state by the state fire marshal.

1 6. *There shall in any event and irrespective of the preceding*
2 *provisions of this section be not less than thirty-six square feet*
3 *of floor space on each and every floor of a non-fireproof building*
4 *for every person employed thereon or for every person employed*
5 *in any one factory where more than one factory is located on a floor*
6 *and not less than thirty-two square feet of such floor space per*
7 *person in a fireproof building. A fireproof building within the*
8 *meaning of this subdivision is one whose walls are constructed of*
9 *brick, stone, concrete or terra cotta faced with brick; with floors*
10 *and roofs of brick, terra cotta or reinforced concrete placed be-*
11 *tween steel or reinforced concrete beams and girders. All the*
12 *steel entering into the structural parts encased in at least two*
13 *inches of approved fireproof material, excepting the wall columns*
14 *which must be encased in eight inches of masonry on the outside*
15 *and four inches on the inside; all stairwells, elevator wells, public*
16 *hallways and corridors enclosed by approved fireproof partitions*
17 *with approved metal covered doors, trim and sash, with wire glass*
18 *where glass is used; the stairways, landings, hallways and other*
19 *floor surfaces of incombustible material; no woodwork or other*
20 *combustible material used in any partition, furring, ceiling or*
21 *floors; and all window frames, doors and sash, trim and other*
22 *interior finish of metal or metal covered or of approved fireproof*
23 *wood.*

24 § 83-e. *Posting. In every factory, two stories or over in height,*
25 *the fire commissioner of the city of New York in such city, and*

1 · elsewhere in the state the commissioner of labor, shall cause to be
2 posted notices specifying the number of persons that may occupy
3 each floor thereof in accordance with the provisions of section
4 eighty-three-d of this chapter. Every such notice shall be posted
5 in a conspicuous place near the entrance of each floor and every
6 workroom. If any one floor is occupied by more than one tenant,
7 at least two such notices shall be posted in the space occupied by
8 each tenant. Every such notice shall bear the date when posted.

NOTE.—Provisions for penalty in case of violation now being drafted.

PROPOSED BILL NO. 6.

AN ACT

To amend the labor law, in relation to the organization of the department of labor and the bureau of factory inspection and the creation of a division of industrial hygiene and a section of medical inspection therein.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections forty, forty-two, forty-five, forty-eight,
2 sixty and sixty-one of chapter thirty-six of the laws of nineteen
3 hundred and nine, entitled "An act relating to labor, constituting
4 chapter thirty-one of the consolidated laws," are hereby amended
5 to read as follows:

6 § 40. Commissioner of labor. There shall continue to be a
7 department of labor the head of which shall be the commissioner
8 of labor, who shall be appointed by the governor by and with the

1 consent of the senate and who shall hold office for a term of four
 2 years beginning on the first day of January of the year in which
 3 he is appointed. He shall receive an annual salary of [five
 4 thousand five hundred dollars] *fifteen thousand dollars.* [He
 5 shall appoint all officers, clerks and other employees in the de-
 6 partment of labor.] *The commissioner of labor, within the*
 7 *limits of his appropriation, shall have the power to appoint and*
 8 *remove, subject to the requirements of the civil service law, such*
 9 *subordinate officers, assistants and employees as may be neces-*
 10 *sary for the efficient performance of his duties.*

11 § 41. Deputy commissioners. The commissioner of labor
 12 shall forthwith upon entering upon the duties of his office ap-
 13 point and may at pleasure remove [two] *four* deputy commis-
 14 sioners of labor. [, who shall receive such annual salaries, not to
 15 exceed four thousand dollars and three thousand five hundred
 16 dollars, respectively, as may be appropriated therefor. The
 17 powers hereinafter conferred upon the first and second deputy
 18 commissioners shall not include the appointment of officers, clerks
 19 or other employees in any of the bureaus of the department of
 20 labor.] *The salary of the first and second deputy commissioners*
 21 *of labor shall be five thousand dollars a year each; the salary of*
 22 *the third deputy commissioner shall be four thousand dollars a*
 23 *year; and the salary of the fourth deputy commissioner shall be*
 24 *three thousand five hundred dollars a year.*

25 *The first deputy commissioner shall, during the absence or dis-*
 26 *ability of the commissioner of labor, possess all the powers and*

1 *perform all the duties of the commissioner except the power of*
 2 *making appointments. In the absence and disability of both*
 3 *the commissioner of labor and the first deputy commissioner, the*
 4 *second deputy commissioner shall possess all the powers and per-*
 5 *form all the duties of the commissioner except the power of mak-*
 6 *ing appointments. In addition to their duties and powers as*
 7 *prescribed by the provisions of this chapter, the deputy commis-*
 8 *sioners of labor shall perform such other duties and possess such*
 9 *other powers as the commissioner of labor may prescribe.*

10 § 42. Bureaus. The department of labor shall be divided into
 11 five bureaus as follows: Factory inspection, labor statistics,
 12 mediation and arbitration, industries and immigration, and mer-
 13 cantile inspection. *There shall be such other bureaus in the de-*
 14 *partment of labor as the commissioner of labor may deem*
 15 *necessary.*

16 § 45. Sub-offices. [The commissioner of labor may establish
 17 and maintain a sub-office in any city if in his opinion it be nec-
 18 essary. He may designate any one or more of his subordinates
 19 to take charge of and manage any such office, subject to his di-
 20 rection.] *The commissioner of labor shall establish and main-*
 21 *tain branch offices of the department in the cities of New York*
 22 *and Buffalo and shall establish and maintain sub-offices of the*
 23 *department in the cities of Rochester, Syracuse, Utica and such*
 24 *other cities of the state as he may deem advisable. The office*
 25 *of the department in New York city shall be in charge of the*
 26 *first deputy commissioner of labor subject to the control and*

1 supervision of the commissioner of labor. The office of the depart-
2 ment in the city of Buffalo shall be in charge of the second
3 deputy commissioner of labor subject to the control and super-
4 vision of the commissioner of labor. Each of the sub-offices in
5 the other cities mentioned shall be in charge of a supervising in-
6 spector designated by the commissioner of labor subject to the
7 control and supervision of the commissioner. The reasonable
8 and necessary expenses of such offices shall be paid as are other
9 expenses of the commissioner of labor.

10 § 48. Counsel. [The commissioner of labor may employ
11 counsel in the department of labor to represent the department
12 or to assist in the prosecution of actions or proceedings brought
13 under the provisions of this chapter. Such counsel shall receive
14 such compensation as may otherwise be provided by law.] The
15 commissioner of labor shall employ a chief counsel and an as-
16 sistant counsel, each of whom shall be an attorney and counsellor
17 at law of the state of New York to represent the department of
18 labor and to take charge of and assist in the prosecution of ac-
19 tions and proceedings brought under the provisions of this chap-
20 ter; to draft recommendations for such remedial legislation as
21 the commissioner of labor may suggest and generally to act as
22 legal adviser to the commissioner of labor. The chief counsel
23 shall receive a salary of five thousand dollars a year and shall
24 have his headquarters in the office of the department in New
25 York city. The assistant counsel shall receive a salary of three

1 *thousand five hundred dollars a year and shall have his head-*
 2 *quarters in such city as the commissioner of labor may direct.*

3 *The chief counsel shall, subject to the approval of the commis-*
 4 *sioner of labor, have the power to appoint and at pleasure remove*
 5 *two attorneys and counsellors at law to assist him in the perform-*
 6 *ance of his duties, who shall receive such compensation as may*
 7 *be provided by law.*

8 § 60. [Chief factory inspector. There shall continue to be a
 9 bureau of factory inspection. The first deputy commissioner of
 10 labor shall be the chief factory inspector of the state and in im-
 11 mediate charge of this bureau, but subject to the direction and
 12 supervision of the commissioner of labor.] *Inspection districts;*
 13 *chief factory inspectors. For the purposes of the general in-*
 14 *spection of factories in the state, there are hereby created two*
 15 *inspection districts to be known as the first inspection district*
 16 *and the second inspection district. The first inspection district*
 17 *shall include the counties of New York, Kings, Queens, and*
 18 *Richmond. The second inspection district shall include all the*
 19 *other counties of the state. There shall be a bureau of factory*
 20 *inspection in each inspection district. The first deputy commis-*
 21 *sioner of labor shall be the chief factory inspector of the first*
 22 *district and in immediate charge of the bureau of factory inspec-*
 23 *tion there, but subject to the supervision and direction of the*
 24 *commissioner of labor. There shall be kept on file in the office*
 25 *of the department in the city of New York all records, reports*
 26 *and statistics pertaining to the work of the department of labor*

1 *within the first inspection district as above specified, but the com-*
 2 *missioner of labor may, in his discretion, require duplicate copies*
 3 *of any or all such records, reports and statistics to be forwarded*
 4 *to the office of the department in the city of Albany. The second*
 5 *deputy commissioner of labor shall be the chief factory inspector*
 6 *of the second inspection district and in immediate charge of the*
 7 *bureau of factory inspection there, but subject to the direction*
 8 *and supervision of the commissioner of labor.*

9 § 61. Factory inspectors. [The commissioner of labor may
 10 appoint from time to time not more than one hundred and twenty-
 11 five persons as factory inspectors, not more than twenty of whom
 12 shall be women, and who may be removed by him at any time.
 13 The factory inspectors may be divided into five grades, but not
 14 more than thirty shall be of the third grade, and not more than
 15 eight shall be of the fourth grade and not more than one shall
 16 be of the fifth grade. Each inspector of the first grade shall
 17 receive an annual salary of one thousand dollars, each of the
 18 second grade an annual salary of one thousand two hundred
 19 dollars and each of the third grade an annual salary of one thou-
 20 sand five hundred dollars. There shall be after October first,
 21 nineteen hundred and eleven, no further appointments in the first
 22 grade and no vacancies in the first grade shall be filled. There
 23 may be at any time not to exceed ninety persons in the second
 24 grade. Each inspector of the fourth grade shall receive an an-
 25 nual salary of two thousand five hundred dollars. Each inspector
 26 of the fifth grade shall receive an annual salary of three thou-

1 sand five hundred dollars. Each inspector of the fifth grade
2 shall be a mechanical engineer.】

3 *There shall be not less than one hundred and twenty-five per-*
4 *sons as factory inspectors, at least twenty-five of whom shall be*
5 *women, who shall be appointed by the commissioner of labor and*
6 *who may be removed by him at any time. The inspectors shall*
7 *be divided into twelve grades. Inspectors of the first grade shall*
8 *receive an annual salary of one thousand dollars, but after*
9 *October first, nineteen hundred and eleven, there shall be no*
10 *further appointments in the first grade and no vacancies in that*
11 *grade shall be filled. Inspectors of the second grade, of whom*
12 *there shall be not more than seventy-five, shall receive an annual*
13 *salary of one thousand two hundred dollars; inspectors of the*
14 *third grade, of whom there shall be not more than fifty, shall*
15 *receive an annual salary of one thousand five hundred dollars;*
16 *inspectors of the fourth grade, of whom there shall be not more*
17 *than twenty-five, shall receive an annual salary of one thousand*
18 *eight hundred dollars; inspectors of the fifth grade, of whom*
19 *there shall be not more than ten and two of whom shall be women,*
20 *shall receive an annual salary of two thousand dollars and shall*
21 *act as special investigators; inspectors of the sixth grade, of whom*
22 *there shall be not more than eight and two of whom shall be*
23 *women, shall receive an annual salary of two thousand five hun-*
24 *dred dollars and shall act as supervising inspectors. There shall*
25 *be four inspectors of the seventh grade, one of whom shall be a*
26 *woman, who shall act as medical inspectors and who shall receive*

1 an annual salary of two thousand five hundred dollars each, and
 2 one inspector of the eighth grade who shall be the chief medical
 3 inspector and receive an annual salary of three thousand five
 4 hundred dollars; each of the inspectors of the seventh and eighth
 5 grades shall be a physician duly licensed to practice medicine in
 6 the state of New York. There shall be one inspector of the ninth
 7 grade who shall be a chemist; one inspector of the tenth grade
 8 who shall be a mechanical engineer; one inspector of the eleventh
 9 grade who shall be an expert on fire prevention, fire escape fa-
 10 cilities and building construction; and one inspector of the twelfth
 11 grade who shall be a ventilating engineer. Each of the inspectors
 12 of the ninth, tenth, eleventh and twelfth grades shall receive an
 13 annual salary of three thousand five hundred dollars.

14 § 2. Article five of such chapter is hereby amended by insert-
 15 ing a new section, immediately following section sixty-one and
 16 preceding section sixty-two, to be known as section sixty-one-a,
 17 to read as follows:

18 § 61-a. *Division of industrial hygiene; section of medical in-*
 19 *spection. The inspectors of the eighth, ninth, tenth, eleventh and*
 20 *twelfth grades shall constitute the division of industrial hygiene,*
 21 *which shall be under the immediate charge of the third deputy*
 22 *commissioner of labor, subject to the direction and supervision*
 23 *of the commissioner of labor. The division of industrial hygiene*
 24 *and the individual members thereof shall make special inspec-*
 25 *tions of factories and manufacturing establishments throughout*
 26 *the entire state; shall conduct special investigations of industrial*

1 *processes and conditions; shall submit to the advisory board cre-*
2 *ated under the provisions of this act proposed rules and regula-*
3 *tions and standards to be adopted; to carry into effect the pro-*
4 *visions of this chapter and shall advise said board concerning*
5 *such rules and standards and any changes or modifications in*
6 *same; shall issue leaflets and bulletins calling attention to the*
7 *dangers in the different industries and the precautions to be*
8 *taken to avoid them; and shall perform such other duties and*
9 *render such other services as may be required by the commis-*
10 *sioner of labor.*

11 *The third deputy commissioner of labor shall make an annual*
12 *report to the commissioner of labor of the operation of the*
13 *division of industrial hygiene, to which shall be attached the in-*
14 *dividual reports of each member of the division as above speci-*
15 *fied, and same shall be transmitted to the legislature as part of*
16 *the annual report of the commissioner of labor.*

17 *The inspectors of the seventh and eighth grades shall consti-*
18 *tute the section of medical inspection which shall be under the*
19 *immediate charge of the chief medical inspector subject to the*
20 *supervision and direction of the third deputy commissioner of*
21 *labor. The section of medical inspection shall have charge of the*
22 *health inspection of factories throughout the entire state, the*
23 *physical examination and medical supervision of minors em-*
24 *ployed therein, and shall perform such other duties and render*
25 *such other service as the commissioner of labor may direct.*

1 § 3. Section sixty-two of such chapter is hereby amended to
2 read as follows:

3 § 62. General powers and duties. 1. The commissioner of
4 labor shall from time to time divide the state into *subdistricts*,
5 assign one factory inspector of the **[fourth]** *sixth* grade to each
6 *subdistrict* as supervising inspector, and may in his discretion
7 transfer **[them]** *such supervising inspector* from one *subdistrict*
8 to another; *he shall assign factory inspectors from time to time*
9 *to each of the two inspection districts created under the provi-*
10 *sions of this chapter or to the division of industrial hygiene; he*
11 *may assign any factory inspector to inspect any special class or*
12 *classes of factories or to enforce any special provisions of this*
13 *chapter; and he may assign any one or more of them to act as*
14 *clerks in any office of the department.*

15 2. The commissioner of labor may authorize any deputy com-
16 missioner or assistant and any special agent or inspector in the
17 department of labor to act as a deputy factory inspector with
18 the full power and authority thereof.

19 3. The commissioner of labor, the first deputy commissioner
20 of labor and his assistant or assistants and every factory inspec-
21 tor may in the discharge of his duties enter any place, building
22 or room where and when any labor is being performed which is
23 affected by the provisions of this chapter and may enter any
24 factory whenever he may have reasonable cause to believe that
25 any such labor is being performed therein.

26 4. The commissioner of labor shall visit and inspect or cause

1 to be visited and inspected the factories, during reasonable hours,
2 as often as practicable, and shall cause the provisions of this
3 chapter to be enforced therein.

4 5. Any lawful municipal ordinance, by-law or regulation re-
5 lating to factories, in addition to the provisions of this chapter
6 and not in conflict therewith, **[may]** *shall* be observed and en-
7 forced by the commissioner of labor.

8 § 4. This act shall take effect October first, nineteen hundred
9 and thirteen.

NOTE.— Creation of Advisory Board, pensions for inspectors, examinations and promotions, now being considered.

PROPOSED BILL NO. 7.

AN ACT

To amend the labor law, in relation to the organization of the department of labor by the creation of an advisory board.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Chapter thirty-six of the laws of nineteen hundred
2 and nine, entitled "An act relating to labor, constituting chapter
3 thirty-one of the consolidated laws," is hereby amended by insert-
4 ing therein after section sixty-three thereof, a new section, to be
5 section sixty-four and to read as follows:

6 § 64. *Advisory board.* 1. *There shall be an advisory board to*
7 *the state department of labor to be composed of seven persons*
8 *appointed by the governor by and with the advice and consent*
9 *of the senate, one of whom, designated by the governor, shall*
10 *during his term of office be the chairman of the board of which*

1 he is a member. Of the members of the board first appointed
2 herein, one shall be appointed for a term of one year; one for a
3 term of two years; one for a term of three years; two for a term
4 of four years; and two for terms of five years each. The ap-
5 pointments made after the expiration of each of such terms shall
6 be for a term of five years. Vacancies shall be filled by appoint-
7 ment for the unexpired term. Appointments to the said board
8 shall be made so that there shall always be as members thereof a
9 physician, a civil or mechanical engineer, an attorney and coun-
10 selor-at-law, a representative of employers and a representative
11 of employees. At least one member of the board shall be a woman.
12 Each member of the board shall, before entering upon the duties
13 of his office, take and subscribe the constitutional oath of office.
14 Each member of said board shall receive twenty dollars for each
15 attendance at a meeting of the board together with all traveling
16 and other necessary expenses incurred by him in the discharge of
17 his duties, to be paid in the manner provided in section forty-four
18 of this chapter. The governor may remove any member of the
19 board for inefficiency, neglect of duty or misconduct in office,
20 giving to him a copy of the charges against him and an oppor-
21 tunity to be heard in person or by counsel in his own defense at
22 not less than ten days' notice. The governor shall file in the office
23 of the secretary of state a complete statement of all charges made
24 against such member and his findings thereon, together with a
25 complete record of his proceedings.

1 *The advisory board shall meet at least once in every two*
2 *months in the office of the department of labor in the city of New*
3 *York, and shall meet at such other times and in such other cities*
4 *of the state as the chairman may designate. A majority of the*
5 *members of the board shall constitute a quorum for the trans-*
6 *action of any business, for the performance of any duty, or for*
7 *the exercise of any power of the board. The office of the depart-*
8 *ment of labor in the city of New York shall be the office of said*
9 *board, and the commissioner of labor shall furnish the board with*
10 *all stationery, supplies and clerical, stenographic and other assist-*
11 *ance as may be needed, within the limits of his appropriation.*
12 *A written record shall be kept of all the proceedings of the board*
13 *and shall be published in the monthly bulletin of the department*
14 *of labor.*

15 2. *Whether or not specifically or impliedly authorized by any*
16 *section of this chapter, the said advisory board shall have the*
17 *power to make rules and regulations and to fix standards, and*
18 *from time to time change or modify same, in order that the pro-*
19 *visions of this chapter may be made effective and that their pur-*
20 *pose and intent, which is the protection of the health and safety*
21 *of the employees in factories, may be fully and properly carried*
22 *out. Such rules, regulations and standards may be adopted to*
23 *prescribe the specific means, methods or practices to carry out the*
24 *purpose and intent of any provision of this chapter; to define the*
25 *application of any provision of this chapter to specific conditions,*
26 *and to fix and make definite any time, period, space, distance,*

1 height, quantity or quality prescribed indefinitely in any provi-
2 sion of this chapter and for any other purpose in order that the
3 intent of such provisions may be fully carried out and the pro-
4 visions effectively enforced. The said rules, regulations and stand-
5 ards may apply in whole or in part to particular kinds of factories
6 or workshops or to particular machines, apparatus or articles; or
7 to particular processes, industries, trades or occupations, and may
8 apply only to factories or workshops to be established, or to ma-
9 chines, apparatus or other articles to be installed or provided in
10 the future.

11 It shall be the duty of the board to hold a public hearing or
12 hearings, on all proposed rules, regulations and standards or any
13 proposed changes or modifications in same, in the city of New
14 York and in such other cities as it may deem advisable. Notice
15 of the time and place of the hearings together with a brief general
16 statement of the matters to be considered thereat shall be published
17 in the monthly bulletin of the department of labor and posted in
18 each and every office of the department, at least thirty days in
19 advance thereof. A copy of all rules, regulations and standards
20 or of any changes or modifications thereof, shall be sent to the
21 commissioner of labor within five days after their adoption by the
22 board, and they shall become effective unless disapproved by the
23 commissioner within a period of ten days after his receipt of the
24 said copy thereof. Such disapproval shall be in writing and shall
25 set forth in detail the reasons therefor and a copy thereof shall be
26 sent to the chairman of the advisory board. A violation of any

1 *such rules, regulations or standards or of any change or modifi-*
2 *cation thereof, adopted as aforesaid, shall be deemed a violation*
3 *of this chapter and shall be punished as a misdemeanor under the*
4 *provisions of section twelve hundred and seventy-five of the penal*
5 *law.*

6 § 2. This act shall take effect October first, nineteen hundred
7 and thirteen.

PROPOSED BILL NO. 8.

AN ACT

To amend the labor law. in relation to the bureau of mercantile inspection and the extension of the jurisdiction of the commissioner of labor to mercantile establishments in cities of the second class.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections one hundred and eighty, one hundred and
2 eighty-one, one hundred and eighty-two and one hundred and
3 eighty-four of chapter thirty-six of the laws of nineteen hundred
4 and nine, entitled "An act relating to labor, constituting chapter
5 thirty-one of the consolidated laws," as amended by chapter five
6 hundred and sixteen of the laws of nineteen hundred and ten,
7 is hereby amended to read as follows:

1 § 180. *Chief mercantile inspector.* There shall be a bureau
 2 of mercantile inspection, which shall be under the immediate
 3 charge of **[a]** *the chief* mercantile inspector, but subject to the
 4 direction and supervision of the commissioner of labor. The
 5 *chief* mercantile inspector shall be appointed and be at pleasure
 6 removed by the commissioner of labor, and shall receive **[such]**
 7 *an* annual salary **[not to exceed three thousand dollars as may be**
 8 **appropriated therefor]** *of three thousand five hundred dollars.*

9 § 181. **[Deputies.]** *Mercantile inspectors.* The commissioner
 10 of labor may appoint from time to time not more than **[ten**
 11 **deputy]** *twenty-five* mercantile inspectors, not less than **[two]**
 12 *eight* of whom shall be women, and who may be removed by him
 13 at any time. The **[deputy]** mercantile inspectors may be divided
 14 into three grades, but not more than **[two]** *ten* shall be of the
 15 third grade. Each **[deputy]** *mercantile* inspector of the first
 16 grade shall receive an annual salary of one thousand dollars,
 17 each of the second grade an annual salary of one thousand two
 18 hundred dollars, and each of the third grade an annual salary of
 19 one thousand five hundred dollars.

20 § 182. General powers and duties. 1. The commissioner of
 21 labor may divide the cities of first *and second* class of the state
 22 into districts, assign one or more **[deputy]** mercantile inspectors
 23 to each district, and may in his discretion transfer them from
 24 one district to another; he may assign any of them to inspect any
 25 special class or classes of mercantile or other establishments speci-
 26 fied in article eleven of this chapter, situated in cities of the first

1 *and second* class, or to enforce in cities of the first *or second* class
2 any special provisions of such article.

3 2. The commissioner of labor may authorize any deputy com-
4 missioner or assistant and any special agent or inspector in the
5 department of labor to act as a [deputy] mercantile inspector
6 with the full power and authority thereof.

7 3. The commissioner of labor, the *chief* mercantile inspector
8 and his assistant or assistants and every [deputy] *mercantile in-*
9 *spector* or acting [deputy] mercantile inspector may in the dis-
10 charge of his duties enter any place, building or room in cities of
11 the first *and second* class where any labor is performed which is
12 affected by the provisions of article eleven of this chapter, and
13 may enter any mercantile or other establishment specified in said
14 article, situated in cities of the first *and second* class, whenever
15 he may have reasonable cause to believe that any such labor is
16 performed therein.

17 4. The commissioner of labor shall visit and inspect or cause
18 to be visited and inspected the mercantile and other establish-
19 ments specified in article eleven of this chapter situated in cities
20 of the first *and second* class, as often as practicable, and shall
21 cause the provisions of said article to be enforced therein.

22 5. Any lawful municipal ordinance, by-law or regulation re-
23 lating to mercantile and other establishments specified in article
24 eleven of this chapter, in addition to the provisions of this chapter
25 and not in conflict therewith, may be enforced by the commis-
26 sioner of labor in cities of the first *and second* class.

1 § 184. Laws to be posted. A copy or abstract of the ap-
2 plicable provisions of this chapter, to be prepared and furnished
3 by the commissioner of labor, shall be kept posted by the em-
4 ployer in a conspicuous place on each floor of every mercantile or
5 other establishment specified in article eleven of this chapter,
6 situated in a city of the first *or second* class, wherein three or
7 more persons are employed who are affected by such provisions.
8 § 2. This act shall take effect October first, nineteen hundred
9 and thirteen.

NOTE.—Article XI of the Labor Law dealing with the employment of women and children in mercantile establishments will be amended when necessary to include cities of the second class.

PROPOSED BILL NO. 9.

AN ACT

To amend the labor law, in relation to the definition of factory.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section two of article one of chapter thirty-six of
2 the laws of nineteen hundred and nine, entitled "An act relating
3 to labor, constituting chapter thirty-one of the consolidated laws,"
4 is hereby amended to read as follows:

5 § 2. Definitions. Employee. The term "employee," when
6 used in this chapter, means a mechanic, workingman or laborer,
7 *male or female*, who works for another for hire.

8 Employer. The term "employer," when used in this chapter,
9 means the person employing any such mechanic, workingman or
10 laborer, whether the owner, proprietor, agent, superintendent, fore-
11 man or other subordinate.

1 Factory. The term "factory," when used in this chapter, shall
 2 be construed to include [also] any mill, workshop, or other
 3 manufacturing [or business] establishment where one or more
 4 persons are employed or engaged at labor. *Provided, however, that*
 5 *an establishment employing no females or male minors under*
 6 *eighteen, and not using any power driven machinery, shall not*
 7 *be deemed a factory unless there shall be employed or engaged at*
 8 *labor therein at least four males over eighteen years of age.*

9 Mercantile establishment. The term "mercantile establish-
 10 ment," when used in this chapter, means any place where goods,
 11 wares or merchandise are offered for sale.

12 Tenement house. The term "tenement house," where used
 13 in this chapter, means any house or building, or portion thereof,
 14 which is rented, leased, let or hired out, to be occupied, or is
 15 occupied as the home or residence of three families or more living
 16 independently of each other, and doing their cooking upon the
 17 premises, and having a common right in the halls, stairways, yards,
 18 water closets or privies, or some of them, and for the purposes
 19 of this chapter shall be construed to include any building on the
 20 same lot with any dwelling house and which is used for any of the
 21 purposes specified in section one hundred of this chapter.

22 Whenever, in this chapter, authority is conferred upon the com-
 23 missioner of labor, it shall also be deemed to include his deputies
 24 or a deputy acting under his direction.

25 § 2. This act shall take effect October first, nineteen hundred
 26 and thirteen.

PROPOSED BILL NO. 10.

AN ACT

To amend the labor law, in relation to posting copies or abstracts of the provisions thereof.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section sixty-eight of article five of chapter thirty-
2 six of the laws of nineteen hundred and nine, entitled "An act
3 relating to labor, constituting chapter thirty-one of the consolidated
4 laws," is hereby amended to read as follows:

5 § 68. Laws to be posted. [A copy or abstract] *Copies or*
6 *digests* of the provisions of this chapter applicable thereto, *in*
7 *English and in such other languages as the commissioner of labor*
8 *may require*, to be prepared and furnished by the commissioner
9 of labor, shall be kept posted by the employer [in a conspicuous
10 place] *in such place or places as the commissioner of labor may*

1 *direct* on each floor of every factory where persons are employed
2 who are affected by the provisions thereof.

3 § 2. This act shall take effect October first, nineteen hundred
4 and thirteen.

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PROPOSED BILL NO. 11.

AN ACT

To amend the labor law, in relation to the clean, sanitary and safe condition of factory buildings.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article six of chapter thirty-six of the laws of nine-
2 teen hundred and nine, entitled "An act relating to labor, con-
3 stituting chapter thirty-one of the consolidated laws," is hereby
4 amended by inserting after section eighty-four, a new section, to be
5 section eighty-four-a, and to read as follows:

6 § 84-a. Cleanliness of factory buildings. Every building in
7 which a factory is located and every part of said building shall be
8 kept clean and free from any accumulation of dirt, filth or garbage
9 in or on the same, or in the yards, courts, passages, areas or alleys
10 connected with or belonging to the same. The roof, passages,

1 stairs, halls, basements, cellars, privies, waterclosets, cesspools,
2 drains and all other parts of said building shall be thoroughly
3 cleansed to the satisfaction of the commissioner of labor and shall
4 at all times be kept in a clean, sanitary and safe condition. The
5 entire building shall be well drained and the plumbing thereof at
6 all times kept in a clean and sanitary condition.

7 § 2. This act shall take effect October first, nineteen hundred
8 and thirteen.

PROPOSED BILL NO. 12.

AN ACT

**To amend the labor law, in relation to cleanliness of workrooms in
factories.**

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

1 Section 1. Section eighty-four of chapter thirty-six of the laws
2 of nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," is hereby
4 amended to read as follows:

5 § 84. **Walls, ceilings, floors and receptacles.** *Cleanliness of*
6 *workrooms. Every workroom in a factory and the floors, walls,*
7 *ceilings, windows and every other part thereof shall, at all times,*
8 *be kept in a clean and sanitary condition. The walls and ceilings*
9 *in each workroom in a factory shall be lime washed or painted*
10 **when in the opinion of the commissioner of labor, it will be**

1 conducive to the health or cleanliness of the persons working
2 therein]. *Such lime wash or paint shall be renewed whenever*
3 *necessary as may be required by the commissioner of labor.* Floors
4 shall, *at all times*, be maintained in a safe condition [and shall
5 be kept clean and sanitary at all times. No person shall spit
6 or expectorate upon the walls, floors or stairs of any building used
7 in whole or in part for factory purposes. Sanitary cuspidors shall
8 be provided [, in the discretion of the commissioner of labor,] in
9 every workroom in a factory *in the form and style approved by the*
10 *commissioner of labor and* in such numbers as the commissioner
11 of labor may determine. Such cuspidors shall be thoroughly
12 cleaned daily. Suitable receptacles shall be provided and used for
13 the storage of waste and refuse; such receptacles shall be main-
14 tained in a sanitary condition.

15 § 2. This act shall take effect October first, nineteen hundred
16 and thirteen.

PROPOSED BILL NO. 13.

AN ACT

To amend the labor law, in relation to seats in factories and other establishments for female employees.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section seventeen of chapter thirty-six of the laws
2 of nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," is hereby
4 amended to read as follows:

5 § 17. Seats for female employees. Every person employing
6 females in a factory or as waitresses in a hotel or restaurant shall
7 provide and maintain suitable seats *with proper backs* for the use
8 of such female employees, and permit the use thereof by such
9 employees to such an extent as may be reasonable for the preserva-
10 tion of their health. *Where females are engaged in work which is*

1 *reasonably adapted to a sitting posture, suitable seats, with backs*
2 *where practicable, shall be supplied in every factory for the use*
3 *of all such female employees while at work.*

4 § 2. This act shall take effect October first, nineteen hundred
5 and thirteen.

PROPOSED BILL NO. 14.

AN ACT

To amend the labor law, in relation to seats for women in mercantile establishments.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section one hundred and seventy of chapter thirty-
2 six of the laws of nineteen hundred and nine, entitled "An act
3 relating to labor, constituting chapter thirty-one of the consoli-
4 dated laws," is hereby amended to read as follows:

5 § 170. Seats for women in mercantile establishments.
6 Chairs[, stools] or other suitable seats, *with backs*, shall be main-
7 tained in mercantile establishments for the use of female em-
8 ployees therein, to the number of at least one seat for every
9 three females employed, and the use thereof by such employees
10 shall be allowed at such times and to such extent as may be neces-

1 sary for the preservation of their health. If the duties of the
2 female employees, for the use of whom the seats are furnished,
3 are to be principally performed in front of a counter, table, desk
4 or fixture, such seats shall be placed in front thereof; if such
5 duties are to be principally performed behind such counter, table,
6 desk or fixture, such seats shall be placed behind the same.

7 § 2. This act shall take effect October first, nineteen hundred
8 and thirteen.

PROPOSED BILL NO. 15.

AN ACT

To amend the labor law, in relation to hours of labor of minors and women so as to protect the health and morals of females employed in factories by providing an adequate period of rest at night.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section seventy-seven of article six of chapter
2 thirty-six of the laws of nineteen hundred and nine, entitled "An
3 act relating to labor, constituting chapter thirty-one of the con-
4 solidated laws," as amended by chapter five hundred and thirty-
5 nine of the laws of nineteen hundred and twelve, is hereby
6 amended to read as follows:

7 § 77. Hours of labor of children, minors and women; *period*
8 *of rest provided for females.* 1. No child under the age of six-
9 teen years shall be employed or permitted to work in or in con-
10 nection with any factory in this state before eight o'clock in the

1 morning, or after five o'clock in the evening of any day, or for
 2 more than eight hours in any one day, or more than six days in
 3 any one week.

4 2. No male minor under the age of eighteen years shall be
 5 employed or permitted to work in any factory in this state more
 6 than six days or fifty-four hours in any one week, or for more
 7 than nine hours in any one day, except as hereinafter provided;
 8 nor between the hours of twelve midnight and four o'clock in
 9 the morning.

10 3. No female minor under the age of twenty-one years [and
 11 no woman] shall be employed or permitted to work in any factory
 12 in this state before six o'clock in the morning, or after nine
 13 o'clock in the evening of any day, or more than six days or fifty-
 14 four hours in any one week; nor for more than nine hours in any
 15 one day except as hereinafter provided, *and in order to ³⁴protect*
 16 *the health and morals of females employed in factories by pro-*
 17 *viding an adequate period of rest at night, no woman shall be*
 18 *employed or permitted to work in any factory in this state before*
 19 *six o'clock in the morning or after ten o'clock in the evening of*
 20 *any day, or more than six days or fifty-four hours in any one*
 21 *week; nor for more than nine hours in any one day except as here-*
 22 *inafter provided.*

23 4. A printed notice, in a form which shall be furnished by
 24 the commissioner of labor, stating the number of hours per day
 25 for each day of the week required of such persons, and the time
 26 when such work shall begin and end, shall be kept posted in a

1 conspicuous place in each room where they are employed. But
2 such persons may begin their work after the time for beginning
3 and stop before the time for ending such work, mentioned in such
4 notice, but they shall not otherwise be employed, permitted or
5 suffered to work in such factory except as stated therein. The
6 terms of such notice shall not be changed after the beginning of
7 labor on the first day of the week without the consent of the
8 commissioner of labor. The presence of such persons in the fac-
9 tory at any other hours than those stated in the printed notice,
10 or if no such notice be posted, before seven o'clock in the morn-
11 ing or after six o'clock in the evening, shall constitute prima
12 facie evidence of a violation of this section.

13 5. In a factory wherein, owing to the nature of the work, it
14 is practically impossible to fix the hours of labor weekly in ad-
15 vance the commissioner of labor, upon a proper application stat-
16 ing facts showing the necessity therefor, shall grant a permit dis-
17 pensing with the notice hereinbefore required, upon condition
18 that the daily hours of labor be posted for the information of
19 employees and that a time book in a form to be approved by him,
20 giving the names and addresses of all female employees and the
21 hours worked by each of them in each day, shall be properly and
22 correctly kept, and shall be exhibited to him or any of his sub-
23 ordinates promptly upon demand. Such permit shall be kept
24 posted in such place in such factory as such commissioner may
25 prescribe, and may be revoked by such commissioner at any time
26 for failure to post it or the daily hours of labor or to keep or
27 exhibit such time book as herein provided.

1 6. Where a female or male minor is employed in two or more
2 factories or mercantile establishments in the same day or week
3 the total time of employment must not exceed that allowed per
4 day or week in a single factory or mercantile establishment;
5 and any person who shall require or permit a female to work in
6 a factory between the hours of six o'clock in the evening and seven
7 o'clock in the morning in violation of the provisions of this sub-
8 division of this section, with or without knowledge of the previous
9 or other employment, shall be liable for a violation thereof.

10 § 2. This act shall take effect October first, nineteen hundred
11 and thirteen.

PROPOSED BILL NO. 16.

AN ACT

To amend the labor law, in relation to the prohibited employment of women and children by prohibiting the employment of women in the core-rooms of foundries.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section ninety-three of article six of chapter thirty-
2 six of the laws of nineteen hundred and nine, entitled "An act
3 relating to labor, constituting chapter thirty-one of the consoli-
4 dated laws," is hereby amended to read as follows:

5 § 93. Prohibited employment of women and children. No
6 child under the age of sixteen years shall be employed or per-
7 mitted to work in operating or assisting in operating any of the
8 following machines: Circular or band saws, woodshapers, wood-
9 jointers, planers, sand paper or wood polishing machinery; picker
10 machines or machines used in picking wool, cotton, hair or any

1 upholstery material; paper lace machines; burnishing machines
2 in any tannery or leather manufactory; job or cylinder printing
3 presses having motive power other than foot; woodturning or
4 boring machinery; drill presses; metal or paper cutting machines;
5 corner staying machines in paper box factories; stamping ma-
6 chines used in sheet metal and tinware manufacturing or in
7 washer and nut factories; machines used in making corrugating
8 rolls; steam boiler; dough brakes or cracker machinery of any
9 description; wire or iron straightening machinery; rolling mill
10 machinery; power punches or shears; washing, grinding or mix-
11 ing machinery, calendar rolls in rubber manufacturing; or
12 laundering machinery.

13 No child under the age of sixteen years shall be employed or
14 permitted to work at adjusting or assisting in adjusting any
15 belt to any machinery; oiling or assisting in oiling, wiping or
16 cleaning machinery; or in any capacity in preparing any com-
17 position in which dangerous or poisonous acids are used; or in
18 the manufacture or packing of paints, dry colors, or red or white
19 lead; or in dipping, dyeing or packing matches; or in the manu-
20 facture, packing or storing of powder, dynamite, nitroglycerine,
21 compounds, fuses, or other explosives; or in or about any dis-
22 tillery, brewery, or any other establishment where malt or alco-
23 holic liquors are manufactured, packed, wrapped or bottled; and
24 no female under the age of sixteen shall be employed or per-
25 mitted to work in any capacity where such employment compels
26 her to remain standing constantly. No child under the age of

1 sixteen years shall be employed or permitted to have the care,
 2 custody or management of or to operate an elevator either for
 3 freight or passengers. No person under the age of eighteen
 4 years shall be employed or permitted to have the care, custody
 5 or management of or to operate an elevator either for freight or
 6 passengers running at a speed of over two hundred feet a minute.
 7 No male person under eighteen years or woman under twenty-
 8 one years of age shall be permitted or directed to clean machin-
 9 ery while in motion. No male child under the age of eighteen
 10 years, nor any female, shall be employed in any factory in this
 11 state in operating or using any emery, tripoli, rouge, corundum,
 12 stone, carborundum or any abrasive, or emery polishing or buf-
 13 fing wheel, where articles of the baser metals or of iridium are
 14 manufactured.

15 *No female shall be employed or permitted to work in any*
 16 *brass, iron or steel foundry, at or in connection with the making*
 17 *of cores where the oven in which the cores are baked is located*
 18 *in the same room or space in which the cores are made. The*
 19 *erection of a partition separating the oven from the space where*
 20 *the cores are made shall not be sufficient unless the said partition*
 21 *extends to the ceiling, and the partition and the openings therein*
 22 *are so constructed and arranged that the gases and fumes from*
 23 *the core oven will not enter the room or space in which the women*
 24 *are employed.*

25 § 2. This act shall take effect October first, nineteen hundred
 26 and thirteen.

PROPOSED BILL NO. 17.

AN ACT

To amend the labor law, in relation to foundries.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section eighty-eight of chapter thirty-six of the laws
2 of nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," as
4 amended by chapter three hundred and thirty-six of the laws of
5 nineteen hundred and twelve, is hereby amended to read as fol-
6 lows:

7 § 88. Drinking water, washroom and water closets. In every
8 factory there shall be provided at all times for the use of employees,
9 a sufficient supply of clean and pure drinking water. Such water
10 shall be supplied through proper pipe connections with water
11 mains through which is conveyed the water used for domestic pur-

1 poses, or, from a spring or well or body of pure water; if such
 2 drinking water be placed in receptacles in the factory, such recep-
 3 tacles shall be properly covered to prevent contamination and shall
 4 be thoroughly cleaned at frequent intervals. In every factory
 5 there shall be provided and maintained for the use of employees,
 6 suitable and convenient washrooms, adequately equipped with
 7 sinks and proper water service. Where females are employed,
 8 dressing or emergency rooms shall be provided for their use; each
 9 such room shall have at least one window opening to the outer air
 10 and shall be enclosed by means of solid partitions or walls. [In
 11 brass and iron foundries suitable provision shall be made and
 12 maintained for drying the working clothes of persons employed
 13 therein.] In every factory there shall be provided suitable and
 14 convenient water closets for each sex, in such number as the com-
 15 missioner of labor may determine. Such water closets shall be
 16 properly screened, lighted, ventilated and kept clean and sanitary;
 17 the enclosure of each closet shall be kept clean and sanitary and
 18 free from all obscene writing or marking. The water closets used
 19 by females shall be entirely separated from those used by males
 20 and the entrances thereto shall be effectively screened. The water
 21 closets shall be maintained inside the factory whenever practicable
 22 and in all cases, when required by the commissioner of labor.

23 § 2. Chapter thirty-six of the laws of nineteen hundred and
 24 nine, entitled "An act relating to labor, constituting chapter thirty-
 25 one of the consolidated laws," is hereby amended by inserting
 26 therein after section ninety-six, a new section, to be section ninety-
 27 seven, to read as follows:

1 § 97. Brass, iron and steel foundries. 1. All entrances to
2 foundries shall be so constructed and maintained as to minimize
3 drafts, and all windows therein shall be maintained in proper con-
4 dition and repair.

5 2. All passageways in foundries shall be constructed and main-
6 tained of sufficient width to make the use thereof by employees
7 reasonably safe; during the progress of casting such passageways
8 shall not be obstructed in any manner.

9 3. Smoke, steam and gases generated in foundries shall be
10 promptly and effectively removed therefrom, and whenever it is
11 necessary, exhaust fans of sufficient capacity and power, properly
12 equipped with ducts and hoods, shall be provided and operated to
13 remove such smoke, steam and gases. The milling and cleaning
14 of castings and milling of cupola cinders, shall be done in rooms
15 not otherwise used during the progress of such milling or cleaning
16 and provision shall be made for confining and collecting the dust
17 arising during the process.

18 4. All foundries shall be properly and thoroughly lighted during
19 working hours and in cold weather proper and sufficient heat shall
20 be provided and maintained therein. The use of heaters dis-
21 charging smoke or gas into workrooms is prohibited. In all
22 foundries suitable provision shall be made and maintained for
23 drying the working clothes of persons employed therein.

24 5. In every foundry in which five or more persons are employed
25 or engaged at labor, there shall be provided and maintained for
26 the use of employees therein suitable and convenient washrooms

1 adequately equipped with proper hot and cold water service; such
2 washrooms shall be kept clean and sanitary and shall be properly
3 heated during cold weather. In every such foundry lockers shall
4 be provided for the safe-keeping of employees' clothing. In every
5 foundry in which more than five persons are employed or engaged
6 at labor where water closets or privy accommodations are per-
7 mitted by the commissioner of labor to remain outside of the
8 factory under the provisions of section eighty-eight of this chapter,
9 the passageway leading from the foundry to the said water closets
10 or privy accommodations shall be so protected and constructed that
11 the employees in passing thereto or therefrom shall not be exposed
12 to outdoor atmosphere and such water closets or privy accommo-
13 dations shall be properly heated during cold weather.

14 6. The flasks, molding machines, ladles, cranes and apparatus
15 for transporting molten metal in foundries shall be maintained
16 in proper condition and repair, and any such tools or implements
17 that are defective shall not be used until properly repaired.
18 There shall be in every foundry, available for immediate use, an
19 ample supply of lime water, olive oil, vaseline, bandages and
20 absorbent cotton, to meet the needs of workmen in case of burns
21 or other accidents; and any other equally efficacious remedy for
22 burns may be substituted for those herein prescribed.

23 § 3. This act shall take effect October first, nineteen hundred
24 and thirteen.

PROPOSED BILL NO. 18.

AN ACT

To amend the labor law, in relation to the protection of employees operating machinery, dust creating machinery, and the lighting of factories and workrooms.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section eighty-one of chapter thirty-six of the laws
2 of nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," as
4 amended by chapter two hundred and ninety-nine of the laws of
5 nineteen hundred and nine and chapter one hundred and six of
6 the laws of nineteen hundred and ten, is hereby amended to read
7 as follows:

8 § 81. Protection of employees operating machinery; *dust*

1 *creating machinery; lighting of factories and workrooms. 1. The*
 2 *owner or person in charge of a factory where machinery is used*
 3 *shall provide, in the discretion of the commissioner of labor, belt*
 4 *shifters or other mechanical contrivances for the purpose of*
 5 *throwing on or off belts on pulleys. Whenever practicable, all*
 6 *machinery shall be provided with loose pulleys. [All vats, pans,*
 7 *saws, planers, cogs, gearing, belting, shafting, set-screws and*
 8 *machinery, of every description, shall be properly guarded.]*
 9 *Every dangerous part of a prime-mover whether in motion or not*
 10 *shall be securely safeguarded. The term "prime-mover" shall*
 11 *include all steam, gas, oil or other kinds of engines, and also all*
 12 *electrical apparatus which generates, converts, transfers or trans-*
 13 *mits power. All vats, pans and hydro-extractors wherever set*
 14 *so that the opening or top thereof is at a lower level than the*
 15 *elbow of the operator or operators at work about the same shall*
 16 *be protected by covers which shall be maintained over the same*
 17 *while in use in such manner as to effectually prevent such*
 18 *operators or other persons falling therein or coming in contact*
 19 *therewith. All saws shall be provided with a proper and effective*
 20 *guard. All planers shall be protected by a substantial hood or*
 21 *covering. All cogs and gearing shall be boxed or cased either*
 22 *with metal or wood. All belting within seven feet of the floors*
 23 *shall be boxed in with wood, metal or substantial gauge wire*
 24 *screens. All revolving shafting within seven feet of the floors*
 25 *shall be protected on its exposed surface by being encased in*
 26 *such a manner as to effectively prevent any part of the body,*

1 *hair or clothing of the operators or other persons from coming*
 2 *in contact with such shafting. All set-screws, keys, bolts and*
 3 *all parts projecting beyond the surface of revolving shafting shall*
 4 *be countersunk or provided with suitable covering, and machinery*
 5 *of every description shall be properly guarded and provided with*
 6 *proper safety appliances or devices. All machines, machinery,*
 7 *apparatus, furniture and fixtures shall be so placed and guarded*
 8 *in relation to one another as to be safe for all persons employed*
 9 *thereabouts. Whenever any danger exists which requires any*
 10 *special care as to the character and condition of the clothing of*
 11 *the persons employed thereabouts, or which requires special ap-*
 12 *parel or clothes to be worn upon the person, the advisory board*
 13 *pursuant to the provisions of this chapter, may make rules pre-*
 14 *scribing what shall be used or worn for the purpose of guarding*
 15 *against such danger and regulating the provision, maintenance*
 16 *and use thereof. No person shall remove or make ineffective*
 17 *any safeguard or safety appliance or device around or attached*
 18 *to machinery, vats or pans, [while the same are in use,] unless*
 19 *for the purpose of immediately making repairs thereto or adjust-*
 20 *ment thereof, [and all such safeguards so removed shall be*
 21 *promptly replaced] and any person who removes or makes in-*
 22 *effective any such safeguard, safety appliance or device for a*
 23 *permitted purpose shall immediately replace the same when such*
 24 *purpose is accomplished. It shall be the duty of the employer*
 25 *and of every person exercising direction and control over the*
 26 *person who removes such safeguard, safety appliance or device,*

1 or over any person for whose protection it is designed to see that
 2 a safeguard or safety appliance or device that has been removed
 3 is promptly and properly replaced. All fencing, safeguards, safety
 4 appliances and devices must be constantly maintained in proper
 5 condition. **[If]** When in the opinion of the commissioner of labor
 6 a machine or any part thereof is in a dangerous condition or is
 7 not properly guarded or is dangerously placed, the use thereof
 8 **[may]** shall be prohibited by the commissioner of labor and a
 9 notice to that effect shall be attached thereto. Such notice shall
 10 not be removed until the machinery is made safe and the required
 11 safeguards or safety appliances or devices are provided, and in
 12 the meantime such unsafe or dangerous machinery shall not be
 13 used. The advisory board of the department of labor may pur-
 14 suant to the provisions of this chapter, from time to time make
 15 and from time to time change or modify rules and regulations to
 16 govern the installation, position, operation, guarding and use of
 17 machines and machinery in operation in factories; the furnish-
 18 ing and use of safety devices and safety appliances for machines
 19 and machinery and of guards to be worn upon the person; and
 20 for any other purpose in order to provide for the prevention of
 21 accidents in factories.

22 2. All grinding, polishing or buffing wheels used in the course
 23 of the manufacture of articles of the baser metals shall be
 24 equipped with proper hoods and pipes and such pipes shall be
 25 connected to an exhaust fan of sufficient capacity and power to
 26 remove all matter thrown off such wheels in the course of their

1 use. Such fan shall be kept running constantly while such
 2 grinding, polishing or buffing wheels are in operation; except
 3 that in the case of wet grinding it is unnecessary to comply with
 4 this provision *unless required by the rules and regulations of the*
 5 *advisory board adopted pursuant to the provisions of this chapter.*
 6 All machinery creating dust or impurities shall be equipped with
 7 proper hoods and pipes and such pipes shall be connected to an
 8 exhaust fan of sufficient capacity and power to remove such dust
 9 or impurities; such fan shall be kept running constantly while
 10 such machinery is in use; except where, in case of wood-working
 11 machinery, the commissioner of labor, after first making and
 12 filing in the public records of his office a written statement of
 13 the reasons therefor, shall decide that it is unnecessary for the
 14 health and welfare of the operatives.

15 3. *All passageways and all moving parts of machinery where,*
 16 *on or about which persons work or pass or may have to work or*
 17 *pass in emergencies, and all other portions of a factory that the*
 18 *commissioner of labor may require, shall be kept properly and*
 19 *sufficiently lighted during working hours.* When in the opinion
 20 of the commissioner of labor it is necessary, **[the workrooms,]**
 21 halls and stairs leading to the workrooms shall be properly *and*
 22 *adequately* lighted, and **[in cities of the first class, if deemed**
 23 **necessary by the commissioner of labor,]** a proper *and adequate*
 24 light shall be kept burning by the owner or lessee in the public
 25 hallways near the stairs upon the entrance door and upon the
 26 other floors on every work day in the year, from the time when

1 the building is opened for use in the morning until the time
2 it is closed in the evening, except at times when the influx
3 of natural light shall make artificial light unnecessary. Such
4 lights shall be independent of the motive power of such factory.

5 4. *All workrooms shall be properly and adequately lighted*
6 *during working hours. Artificial illuminants in every workroom*
7 *shall be installed, arranged and used so that the light furnished*
8 *will at all times be sufficient and adequate for the work carried*
9 *on therein. All artificial illuminants shall be so placed and*
10 *arranged, and so shaded as to prevent strain on the vision or*
11 *glare in the eyes of the workers. The advisory board to the*
12 *department of labor may, pursuant to the provisions of this chap-*
13 *ter, make and from time to time change or modify rules and*
14 *regulations to provide for adequate and sufficient natural and*
15 *artificial lighting facilities in all factories; to govern the in-*
16 *stallation, arrangement, operation and use of artificial illuminants*
17 *in workrooms in the different industries; and to fix standards*
18 *that shall prescribe the minimum amount of artificial illumina-*
19 *tion in such workrooms.*

20 § 2. This act shall take effect October first, nineteen hundred
21 and thirteen.

PROPOSED BILL NO. 19.

AN ACT

To amend the labor law, in relation to the physical examination of children employed in factories and cancellation of their employment certificates because of physical unfitness.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Chapter thirty-six of the laws of nineteen hundred
2 and nine, entitled "An act relating to labor, constituting chapter
3 thirty-one of the consolidated laws," is hereby amended by insert-
4 ing therein, after section seventy-six a new section, to be section
5 seventy-six-a and to read as follows:

6 § 76-a. Physical examination of children in factories; can-
7 cellation of employment certificates. 1. All children between
8 fourteen and sixteen years of age employed in factories shall
9 submit to a physical examination whenever required by a medi-
10 cal inspector of the state department of labor. The result of all

1 such physical examinations shall be recorded on blanks furnished
2 for that purpose and shall be kept on file in such office or offices of
3 the department as the commissioner of labor may designate.

4 2. If any such minor shall refuse to submit to such physical
5 examination, the commissioner of labor may issue an order di-
6 recting the cancellation of the minor's employment certificate.
7 Such order shall be served upon the employer of the child who
8 shall forthwith deliver to the medical inspector of the department
9 of labor the child's employment certificate and a certified copy of
10 the order of cancellation shall be served on the board of health
11 or other local authority that issued the said certificate. No such
12 child whose working certificate has been cancelled, as aforesaid,
13 shall, while said cancellation remains unrevoked, be permitted
14 to work in any factory of the state before it attains the age of
15 sixteen years. If thereafter such child shall submit to the physi-
16 cal examination required, the commissioner of labor may issue
17 an order revoking the cancellation of the employment certificate
18 and may return the employment certificate to such child. Copies
19 of the order of revocation shall be served upon the former em-
20 ployer of the child and the local board of health as aforesaid.

21 3. If as a result of the physical examination made by the
22 medical inspector it appears that the child is physically unfit to
23 be employed in a factory, the medical inspector shall forthwith
24 submit a report to that effect to the commissioner of labor setting
25 forth in detail his reasons therefor and the commissioner of
26 labor may issue an order directing the cancellation of the em-

1 ployment certificate of such child. Such order of cancellation
2 shall be served, and the child's employment certificate delivered
3 up, as provided in subdivision two hereof, and no such child while
4 the said order of cancellation remains unrevoked shall be per-
5 mitted to work in any factory of the state before it attains the
6 age of sixteen years. If upon a subsequent physical examina-
7 tion of the child it appears that the physical infirmities have been
8 removed, the medical inspector shall certify to that effect to the
9 commissioner of labor, and the commissioner of labor may there-
10 upon make an order revoking the cancellation of the employment
11 certificate and may return the certificate to such child. The
12 order of revocation shall be served in the manner provided in sub-
13 division two hereof.

PROPOSED BILL NO. 20.

AN ACT

To amend the labor law, in relation to the prohibition of the employment of children in the operation of dangerous machinery and in trades, occupations or processes of manufacture dangerous or injurious to their health.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section ninety-three of chapter thirty-six of the
2 laws of nineteen hundred and nine, entitled "An act relating
3 to labor, constituting chapter thirty-one of the consolidated laws,"
4 is hereby amended to read as follows:

5 § 93. Prohibited employment of women and children. 1. No
6 child under the age of sixteen years shall be employed or per-
7 mitted to work in operating or assisting in operating any of
8 the following machines: Circular or band saws, woodshapers,
9 woodjointers, planers, sand paper or wood polishing machinery;
10 picker machines or machines used in picking wool, cotton, hair

1 or any upholstery material; paper lace machines; burnishing
 2 machines in any tannery or leather manufactory; job or cylinder
 3 printing presses having motive power other than foot; wood-
 4 turning or boring machinery; drill presses; metal or paper cut-
 5 ting machines; corner staying machines in paper box factories;
 6 stamping machines used in sheet metal and tinware manufactur-
 7 ing or in washer and nut factories; machines used in making
 8 corrugating rolls; steam boilers; dough brakes or cracker ma-
 9 chinery of any description; wire or iron straightening machinery;
 10 rolling mill machinery, power punches or shears; washing, grind-
 11 ing or mixing machinery; calendar rolls in rubber manufacturing;
 12 or laundering machinery; *or in operating or assisting in operat-*
 13 *ing any other dangerous machines or machinery that may be*
 14 *specified from time to time in rules and regulations adopted by*
 15 *the advisory board to the department of labor pursuant to the*
 16 *provisions of this chapter.*

17 2. No child under the age of sixteen years shall be employed
 18 or permitted to work at adjusting or assisting in adjusting
 19 any belt to any machinery; oiling or assisting in oiling, wiping
 20 or cleaning machinery; or in any capacity in preparing any
 21 composition in which dangerous or poisonous acids are used; or
 22 in the manufacture or packing of paints, dry colors, or red or
 23 white lead; or dipping, dyeing or packing matches; or in the
 24 manufacture, packing or storing of powder, dynamite, nitro-
 25 glycerine, compounds, fuses, or other explosives; or in or about
 26 any distillery, brewery, or any other establishment where malt

1 or alcoholic liquors are manufactured, packed, wrapped, or
 2 bottled; and no female under the age of sixteen shall be employed
 3 or permitted to work in any capacity where such employment
 4 compels her to remain standing constantly. No child under the
 5 age of sixteen years shall be employed or permitted to have the
 6 care, custody or management of or to operate an elevator either
 7 for freight or passengers. No person under the age of eighteen
 8 years shall be employed or permitted to have the care, custody
 9 or management of or to operate an elevator either for freight or
 10 passengers running at a speed of over two hundred feet a minute.
 11 No male persons under eighteen years or woman under twenty-
 12 one years of age shall be permitted or directed to clean machin-
 13 ery while in motion. No male child under the age of eighteen
 14 years, nor any female, shall be employed in any factory in this
 15 state in operating or using any emery, tripoli, rouge, corundum,
 16 stone, carborundum or any abrasive, or emery polishing or
 17 buffing wheel, where articles of the baser metals or of iridium
 18 are manufactured.

19 *3. In addition to the cases provided for in the foregoing sub-*
 20 *divisions, the advisory board to the department of labor may*
 21 *from time to time make and from time to time change or modify*
 22 *rules and regulations specifying particular trades, processes of*
 23 *manufacture, or occupations, or particular methods of carrying*
 24 *on any trade, process of manufacture, or occupation, deemed*
 25 *by the said board dangerous or injurious to the health of*
 26 *minors under eighteen years of age employed therein and in*

1 *which the employment of such minors shall be prohibited and*
2 *no minor under eighteen years of age shall be employed or per-*
3 *mited to work at or in connection with any such trade, process*
4 *of manufacture, occupation or method of carrying on same.*

5 § 2. This act shall take effect October first, nineteen hundred
6 and thirteen.

PROPOSED BILL NO. 21.

AN ACT

**To amend the code of criminal procedure in relation to the service
of the summons in proceedings against corporations.**

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

1 Section 1. Section six hundred and seventy-seven of chapter
2 four hundred and forty-two of the laws of eighteen hundred and
3 eighty-one, entitled "An act to establish a Code of Criminal Pro-
4 cedure", is hereby amended to read as follows:

5 § 677. When and how served. A summons must be served at
6 least five days before the day of appearance fixed therein, by
7 delivering a copy thereof and showing the original to the president
8 or other head of the corporation, or to the secretary, cashier or

1 managing agent thereof. *If the president or other head of the cor-*
 2 *poration, the secretary, cashier or managing agent thereof cannot,*
 3 *after proper and diligent effort has been made, be served with the*
 4 *summons in the county wherein such summons was issued, then*
 5 *said summons may be served upon the defendant corporation in*
 6 *any other county upon the written direction of a magistrate of*
 7 *such other county endorsed upon the summons, signed by him with*
 8 *his name of office and dated at the city, town or village where such*
 9 *endorsement was made, to the following effect: This summons*
 10 *may be served in the county of Monroe, (or as the case may be).*

11 § 2. Such chapter is further amended by inserting therein, a
 12 new section to be section six hundred and seventy-seven-a, after
 13 section six hundred and seventy-seven, to read as follows:

14 § 677-a. Endorsement on the summons for service in another
 15 county; how and upon what proof to be made. The endorsement
 16 mentioned in the last section cannot, however, be made unless upon
 17 the oath of a credible witness, in writing, endorsed on or annexed
 18 to the summons, proving the handwriting of the magistrate by
 19 whom it was issued. Upon this proof, the magistrate endorsing
 20 the summons is exempted from liability to a civil or criminal
 21 action, though it afterward appear that the summons was illegally
 22 or improperly issued.

23 § 3. This act shall take effect immediately.

PROPOSED BILL NO. 22.

AN ACT

**To amend the labor law, in relation to washrooms, dressing rooms
and water closets in factories.**

*The People of the State of New York, represented in Senate
and Assembly, do enact as follows:*

1 Section 1. Section eighty-eight of chapter thirty-six of the laws
2 of nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," is hereby
4 amended to read as follows:

5 § 88. Drinking water, washrooms *and dressing rooms* [and
6 water closets]. 1. In every factory there shall be provided at
7 all times for the use of employees, a sufficient supply of clean
8 and pure drinking water. Such water shall be supplied through
9 proper pipe connections with water mains through which is con-
10 veyed the water used for domestic purposes, or, from a spring or

1 well or body of pure water; if such drinking water be placed in
2 receptacles in the factory, such receptacles shall be properly
3 covered to prevent contamination and shall be thoroughly cleaned
4 at frequent intervals.

5 2. In every factory there shall be provided and maintained
6 for the use of employees suitable and convenient washrooms,
7 *separate for each sex, adequately equipped with* [sinks and proper
8 *water service; and*] *washing facilities consisting of sinks or*
9 *basins provided with running water or with tanks holding an ade-*
10 *quate supply of clean water. There shall be at least one sink or*
11 *basin for every ten employees or fraction thereof and where the*
12 *factory occupies more than one floor, there shall be at least one*
13 *sink or basin on each floor for every ten persons or fraction*
14 *thereof employed thereon. The washing facilities for males shall*
15 *be entirely separate from those provided for females in accordance*
16 *with rules and regulations adopted for that purpose by the*
17 *advisory board to the department of labor. All washrooms shall*
18 *be provided with means for artificial illumination and with at*
19 *least one window leading to the outer air. All washrooms shall*
20 *be constructed, lighted, ventilated and maintained according to*
21 *rules and regulations adopted with reference thereto by the*
22 *advisory board to the department of labor for existing or future*
23 *factories. [i]* In all factories where lead, arsenic or other poison-
24 ous substances or injurious or noxious fumes, dust or gases are
25 present as an incident or result of the business or processes con-
26 ducted by such factory there shall be provided washing facilities
27 which shall include hot water and soap and individual towels.

1 3. Where females are employed, dressing or emergency rooms
2 shall be provided for their use; each such room shall have at
3 least one window opening to the outer air and shall be enclosed
4 by means of solid partitions or walls. [In brass and iron found-
5 ries suitable provisions shall be made and maintained for drying
6 the working clothes of persons employed therein. In every fac-
7 tory there shall be provided suitable and convenient water closets
8 for each sex, in such number as the commissioner of labor may
9 determine. Such water closets shall be properly screened,
10 lighted, ventilated and kept clean and sanitary; the enclosure of
11 each closet shall be kept clean and sanitary and free from all
12 obscene writing or marking. The water closets used by females
13 shall be entirely separated from those used by males and the
14 entrances thereto shall be effectively screened. The water closets
15 shall be maintained inside the factory whenever practicable and
16 in all cases, when required by the commissioner of labor.] In
17 every factory in which more than ten women are employed, there
18 shall be provided a separate dressing room having an adequate
19 floor space in proportion to the number of employees, to be fixed
20 by the rules and regulations of the advisory board to the depart-
21 ment of labor, but such floor space shall in no event be less than
22 sixty square feet; where the factory occupies more than one floor
23 there shall be at least one dressing room provided on every floor
24 on which more than five women are employed; each dressing
25 room shall be completely separated from any water closet com-
26 partment and shall have at least one window to the outer air not

1 *less than five square feet in area and shall be provided with ade-*
2 *quate means for artificial illumination; each dressing room shall*
3 *be provided with suitable hangers for clothes and the seats fur-*
4 *nished for use therein shall have backs attached. All dressing*
5 *rooms shall be enclosed by means of solid partitions or walls and*
6 *shall be constructed, ventilated, lighted and maintained in ac-*
7 *cordance with such rules and regulations as may be adopted by*
8 *the advisory board to the department of labor with reference*
9 *thereto.*

10 4. *All washrooms and dressing or emergency rooms, and the*
11 *floors, ceilings, walls and surface thereof and all fixtures therein*
12 *shall at all times be kept and maintained in a clean and sanitary*
13 *condition.*

14 § 2. Such chapter is hereby amended by inserting after section
15 eighty-eight a new section, to be section eighty-eight-a, to read as
16 follows:

17 § 88-a. Water closets. 1. In every factory there shall be pro-
18 vided suitable and convenient water closets for each sex, and at
19 least one water closet shall be provided for every twenty-five per-
20 sons or fraction thereof employed in the factory. Where a fac-
21 tory occupies more than one floor, water closets separate for
22 each sex shall be provided on every floor on which more than five
23 persons are employed in the ratio of at least one water closet for
24 every twenty-five persons or fraction thereof employed on such
25 floor. All water closets shall be maintained inside the factory
26 except where, in the opinion of the commissioner of labor, it is
27 impracticable to do so.

1 2. There shall be separate water closet compartments for
2 females, to be used by them exclusively, and notice to that effect
3 shall be painted on the outside of such compartments. The en-
4 trance to every water closet used by females shall be effectively
5 screened by a partition or vestibule. Where water closets for
6 males and females are in adjoining compartments, there shall be
7 solid plastered partitions between the compartments extending
8 from the floor to the ceiling. Whenever any water closet com-
9 partments open directly into the workroom exposing the interior,
10 they shall be screened from view by a partition or a vestibule.
11 The use of curtains for screening purposes is prohibited.

12 3. The use of any form of trough water closet, latrine or school
13 sink within the factory is prohibited. All such trough water
14 closets, latrines or school sinks shall, before the first day of
15 October, nineteen hundred and fourteen, be completely removed
16 and the place where they were located properly disinfected under
17 the direction of the department of labor. Such appliances shall
18 be replaced by proper individual water closets, placed in water
19 closet compartments, all of which shall be constructed and in-
20 stalled in accordance with rules and regulations adopted by the
21 advisory board to the department of labor.

22 4. All existing water closets inside the factory shall have basins
23 of enamelled iron or earthenware, and every such water closet and
24 urinal shall be flushed from a separate water supplied cistern or
25 through a flushometer valve connected in such manner as to keep
26 such water free from contamination. The woodwork enclosing

1 all water closet fixtures shall be removed from the front of the
2 closet and the space underneath the seat shall be left open. The
3 floor or other surface beneath and around the closet shall be main-
4 tained in good order and repair and all the woodwork shall be
5 kept well painted with a light color paint. All existing water
6 closet compartments shall have windows leading to the outer air
7 and shall be otherwise ventilated in accordance with the rules and
8 regulations adopted for that purpose by the advisory board to the
9 department of labor. Such compartments shall be provided with
10 means for artificial illumination and the enclosure of each com-
11 partment shall be kept free from all obscene writing or marking.

12 5. All water closets, urinals and water closet compartments
13 hereafter installed in a factory, including those provided to re-
14 place existing fixtures, shall be properly constructed, installed,
15 ventilated, lighted and maintained in accordance with such rules
16 and regulations as may be adopted by the advisory board to the de-
17 partment of labor.

18 6. All water closet compartments, and the floors, walls, ceilings
19 and surface thereof, and all fixtures therein, and all water closets
20 and urinals shall at all times be kept and maintained in a clean
21 and sanitary condition. Where the water supply to water closets
22 or urinals is liable to freeze, the water closet compartment shall be
23 properly heated so as to prevent freezing, or the supply and flush
24 pipes, cisterns and traps and valves shall be effectively covered
25 with wool felt or hair felt, or other approved covering.

26 § 3. This act shall take effect October first, nineteen hundred
27 and thirteen.

PROPOSED BILL NO. 23A.

AN ACT

To amend the penal law, in relation to extending the jurisdiction of the children's court in cities of the first class to prosecutions involving violations of the provisions of the labor law relating to the unlawful employment of minors, and to prosecutions involving violations of the provisions of the education law relating to compulsory education.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section four hundred and eighty-seven of article
- 2 forty-four of chapter eighty-eight of the laws of nineteen hundred
- 3 and nine, entitled "An act providing for the punishment of
- 4 crime, constituting chapter forty of the consolidated laws," is
- 5 hereby amended to read as follows:

1 § 487. Children's court. 1. All cases involving the commit-
 2 ment or trial of children, actually or apparently under the age
 3 of sixteen years, for any violation of law, in any court shall be
 4 heard and determined by such court, at suitable times to be
 5 designated therefor by it, separate and apart from the trial of
 6 other criminal cases, of which session a separate docket and
 7 record shall be kept. All such cases shall, so far as practicable,
 8 be heard and determined in a separate court room to be known
 9 as the children's court and to be used *except as hereinafter men-*
 10 *tioned*, exclusively for the examination and trial of children,
 11 actually or apparently under the age of sixteen years, charged
 12 with any offense.

13 2. *Such court shall have sole and exclusive jurisdiction over*
 14 *prosecutions in cities of the first class for violations of the pro-*
 15 *visions of chapter thirty-six of the laws of nineteen hundred and*
 16 *nine, entitled "An act relating to labor, constituting chapter*
 17 *thirty-one of the consolidated laws," as amended to date hereof,*
 18 *involving the hours of labor and the unlawful employment of*
 19 *minors as set forth in sections seventy, seventy-seven and ninety-*
 20 *three of article six, and in sections one hundred and sixty-one,*
 21 *one hundred and sixty-one-a, one hundred and sixty-two and one*
 22 *hundred and seventy-one of article eleven of said labor law and*
 23 *in any and all other sections of said labor law, either now in force*
 24 *or that may hereafter be enacted.*

25 3. *Such court shall, in cities of the first clasas, have sole and*
 26 *exclusive jurisdiction over all cases coming under sections six*

1 *hundred and twenty-five, six hundred and twenty-eight and six*
 2 *hundred and thirty-three of article twenty-three of the education*
 3 *law of this state, being chapter twenty-one of the laws of nineteen*
 4 *hundred and nine as amended by chapter one hundred and*
 5 *forty of the laws of nineteen hundred and ten and all prosecu-*
 6 *tions and any and all other proceedings brought under said*
 7 *sections.*

8 4. **【And all such】** *All the foregoing cases and cases of offenses*
 9 *by, or against the person of, a child under the age of sixteen*
 10 *years shall have preference over all other cases, before all*
 11 *magistrates and in all courts and tribunals in this state both*
 12 *civil and criminal; and where a child is committed or detained*
 13 *as a witness in any case such case shall be brought to trial or*
 14 *otherwise disposed of without delay, whether the defendant be in*
 15 *custody or enlarged on bail.*

16 § 2. This act shall take effect immediately.

PROPOSED BILL NO. 23B.

AN ACT

To amend chapter six hundred and fifty-nine of the laws of nineteen hundred and ten, in relation to extending the jurisdiction of the children's court in the city of New York to prosecutions involving violations of provisions of the labor law relating to the unlawful employment of minors, and to prosecutions involving violations of the provisions of the education law relating to compulsory education.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section thirty-seven of article three of chapter six
2 hundred and fifty-nine of the laws of nineteen hundred and ten,
3 entitled "An act in relation to the inferior courts of criminal
4 procedure in the city of New York, defining their powers and

1 jurisdiction and providing for their officers," is hereby amended
2 to read as follows:

3 § 37. Jurisdiction of children's court. The children's courts
4 and the justices thereof shall hear and adjudicate

5 1. [a] All charges against children of the grade of or under
6 section twenty-one hundred and eighty-six of the penal law,
7 permitted to be tried as misdemeanors and all charges against
8 children for which they can be found guilty of juvenile delin-
9 quency, and all other cases in which the court or any justice
10 thereof has power to commit children as provided by law.

11 2. *All cases in the city of New York relating to violations of*
12 *the labor law as to the hours of labor or unlawful employment*
13 *of children, as set forth in sections seventy, seventy-seven and*
14 *ninety-three of article six, and sections one hundred and sixty-one,*
15 *one hundred and sixty-one-a, one hundred and sixty-two and one*
16 *hundred and seventy-one of article eleven of said labor law and*
17 *as set forth in all other sections of the labor law, either now in*
18 *force or hereafter enacted.*

19 3. *All cases in the city of New York relating to violations of*
20 *the education law as set forth in sections six hundred and twenty-*
21 *five, six hundred and twenty-eight and six hundred and thirty-*
22 *three of article twenty-three of said education law which con-*
23 *stitutes chapter twenty-one of the laws of nineteen hundred and*
24 *nine, entitled "An act relating to education, constituting chapter*
25 *sixteen of the consolidated laws," as amended by chapter one*
26 *hundred and forty of the laws of nineteen hundred and ten.*

27 § 2. This act shall take effect immediately.

PROPOSED BILL NO. 23C.

AN ACT

To amend the education law, in relation to extending the jurisdiction of the children's court in cities of the first class to prosecutions involving violations of the provisions of the education law relating to compulsory education.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections six hundred and twenty-five, six hundred
2 and twenty-eight and six hundred and thirty-three of article
3 twenty-three of chapter twenty-one of the laws of nineteen hun-
4 dred and nine, entitled "An act relating to education, consti-
5 tuting chapter sixteen of the consolidated laws," as amended

1 by chapter one hundred and forty of the laws of nineteen hundred
2 and ten, are hereby amended to read as follows:

3 § 625. Penalty for failure to perform parental duty. A
4 violation of section six hundred and twenty-four shall be a mis-
5 demeanor, punishable for the first offense by a fine not exceeding
6 five dollars, or five days' imprisonment, and for each subsequent
7 offense by a fine not exceeding fifty dollars, or by imprisonment
8 not exceeding thirty days, or by both such fine and imprison-
9 ment. Courts of special session and police magistrates shall,
10 subject to removal as provided in sections fifty-seven and fifty-
11 eight of the code of criminal procedure, have exclusive juris-
12 diction in the first instance to hear, try and determine charges
13 of violations of this section within their respective jurisdictions,
14 *except that in cities of the first class, the children's court shall*
15 *have exclusive jurisdiction to hear, try and determine charges of*
16 *violation of said section.*

17 § 628. Punishment for unlawful employment of children.
18 Any person, firm, or corporation or any officer, manager, super-
19 intendent or employee acting therefor, who shall employ any
20 child contrary to the provisions of section six hundred and
21 twenty-six hereof, shall be guilty of a misdemeanor, and the
22 punishment therefor shall be for the first offense a fine of not
23 less than twenty dollars nor more than fifty dollars; for a second,
24 and each subsequent offense, a fine of not less than fifty dollars
25 nor more than two hundred dollars. *In cities of the first class*
26 *charges of violations of the provisions of said section six hundred*

1 *and twenty-six shall be heard, tried and determined exclusively*
 2 *in the children's court.*

3 § 633. Arrest of truants. 1. The attendance officer may arrest
 4 without a warrant any child between seven and sixteen years of
 5 age who is a truant from instruction upon which he is lawfully
 6 required to attend within the city or district of such attendance
 7 officer. He shall forthwith deliver the child so arrested to a
 8 teacher from whom such child is then a truant, or, in case of
 9 habitual and incorrigible truants, shall bring them before a
 10 police magistrate for commitment to a truant school as provided
 11 in section six hundred and thirty-five, *except that in cities of the*
 12 *first class, said habitual and incorrigible truants shall be brought*
 13 *before a justice or other presiding officer of the children's court*
 14 *for said commitment.*

15 2. The attendance officer shall promptly report such arrest and
 16 the disposition which he makes of such child, to the school au-
 17 thorities of the said city or district where such child is lawfully
 18 required to attend upon instruction.

19 3. A truant officer in the performance of his duties may enter,
 20 during business hours, any factory, mercantile or other establish-
 21 ment within the city or school district in which he is appointed
 22 and shall be entitled to examine employment certificates or
 23 registry of children employed therein on demand.

24 § 2. This act shall take effect immediately.

PROPOSED BILL NO. 24.

AN ACT

To amend the labor law, in relation to the inclosure and operation of elevators and hoisting shafts in existing factories and the inspection of elevators by the commissioner of labor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section seventy-nine of chapter thirty-six of the
2 laws of nineteen hundred and nine, entitled "An act relating to
3 labor, constituting chapter thirty-one of the consolidated laws,"
4 is hereby amended to read as follows:

5 § 79. Inclosure and operation of elevators and hoisting shafts;
6 inspection. [If, in the opinion of the commissioner of labor, it
7 is necessary to protect the life or limbs of factory employees, the
8 owner, agent or lessee of such factory where an elevator, hoisting
9 shafts or well hole is used, shall cause, upon written notice from
10 the commissioner of labor, the same to be properly and sub-

1 stantially inclosed, secured or guarded, and shall provide such
2 proper traps or automatic doors so fastened in or at all elevator
3 ways, except passenger elevators inclosed on all sides, as to form
4 a substantial surface when closed and so constructed as to open
5 and close by action of the elevator in its passage either ascending
6 or descending. The commissioner of labor may inspect the cable,
7 gearing or other apparatus of elevators in factories and require
8 them to be kept in a safe condition.】

9 1. *Every hoistway, hatchway or well hole used for freight ele-*
10 *vator, hoisting on any other purposes except those used for carry-*
11 *ing passengers or employees shall be protected on all sides at*
12 *each floor, including the basement, by substantial vertical inclos-*
13 *ures at least six feet high, and all openings in such inclosures*
14 *shall be provided with self-closing gates not less than five feet,*
15 *six inches high or with properly constructed sliding doors. In the*
16 *case of freight elevators, the inclosures shall be flush with the*
17 *hoistway on every open side of the car. In place of the inclosures*
18 *before specified every hatchway used for freight elevator purposes*
19 *may be provided with trap doors so constructed as to form a sub-*
20 *stantial floor surface when closed and so arranged as to open and*
21 *close by the action of the car in its passage either ascending or*
22 *descending; in addition to such trap doors, the hatchway shall be*
23 *protected on all sides at all floors, including the basement, by a*
24 *substantial railing or other vertical inclosure at least three feet*
25 *in height. The entire top of every freight elevator car or plat-*
26 *form shall be provided with a substantial grating or covering for*
27 *the protection of the operator thereof.*

1 2. The hatchways of all elevators used for carrying passengers
 2 or employees shall be protected on all sides at all floors, including
 3 the basement, by substantial vertical inclosures. On every open
 4 side of the car such inclosures shall be flush with the hatchway
 5 and shall extend from floor to ceiling; on every other side the
 6 inclosures shall be at least six feet high. All openings in such
 7 inclosures shall be provided with self-closing gates not less than
 8 five feet, six inches in height or with properly constructed sliding
 9 doors. The car of all elevators used for carrying passengers or
 10 employees shall be substantially enclosed on all sides, including
 11 the top, and such cars shall at all times be properly lighted, arti-
 12 ficial illuminants to be provided and used when necessary.

13 3. All enclosures, doors and gates of hoistways, hatchways or
 14 well holes in a factory and all elevators therein used for the carry-
 15 ing of passengers or employees or freight and the gates and doors
 16 thereof shall at all times be kept in good repair and in a safe
 17 condition. All openings leading to elevators shall be kept well
 18 lighted at all times during working hours, artificial illuminants
 19 to be provided and used when required by the commissioner of
 20 labor. The commissioner of labor shall inspect the cable, gearing
 21 and other apparatus of elevators used for carrying passengers or
 22 employees or freight and require them to be kept in a safe con-
 23 dition.

24 § 2. The provisions of subdivisions one and two hereof, shall
 25 relate only to factories in existence at the time this act takes

1 effect. The provisions of subdivision three shall relate to all
2 factories.

3 § 3. This act shall take effect October first, nineteen hundred
4 and thirteen.

PROPOSED BILL NO. 25A.

AN ACT

To amend the labor law, in relation to providing means of general ventilation in existing factories and the maintenance of proper and sufficient ventilation in all factories.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section eighty-six of chapter thirty-six of the laws
2 of nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," is hereby
4 amended to read as follows:

5 § 86. **[Ventilation]** *General ventilation in existing factories.*
6 **[**The owner, agent or lessee of a factory shall provide, in each
7 workroom thereof, proper and sufficient means of ventilation,
8 and shall maintain proper and sufficient ventilation; if excessive
9 heat be created or if steam, gases, vapors, dust or other impurities

1 that may be injurious to health be generated in the course of the
 2 manufacturing process carried on therein the room must be
 3 ventilated in such a manner as to render them harmless, so far
 4 as is practicable; in case of failure the commissioner of labor
 5 shall order such ventilation to be provided. Such owner, agent
 6 or lessee shall provide such ventilation within twenty days after
 7 the service upon him of such order, and in case of failure, shall
 8 forfeit to the people of the state, ten dollars for each day after
 9 the expiration of such twenty days, to be recovered by the com-
 10 missioner of labor.】

11 *1. The owner, agent or lessee, of a building in which a factory*
 12 *other than a tenant factory is located, shall provide in every*
 13 *workroom of such factory, proper and adequate means of ventila-*
 14 *tion by a sufficient number of windows leading to the outer air*
 15 *and by mechanical means where necessary, and shall maintain*
 16 *good and sufficient ventilation and proper degrees of temperature*
 17 *and humidity in every such workroom at all times during working*
 18 *hours. The advisory board to the department of labor,¹ pursuant*
 19 *to the provisions of this chapter, may fix and from time to time*
 20 *change or modify standards of ventilation, temperature and*
 21 *humidity for factory workrooms in the different industries, and*
 22 *rules and regulations for the effective enforcement of such*
 23 *standards. If a factory workroom is not provided with proper*
 24 *and sufficient means of ventilation or with means for the main-*
 25 *tenance of proper degrees of temperature and humidity therein,*

NOTE.—1. See proposed bill No. 7.

1 the commissioner of labor shall issue or cause to be issued an
 2 order directing such owner, agent or lessee to provide means to
 3 properly and sufficiently ventilate such workroom and to main-
 4 tain proper degrees of temperature and humidity therein, within
 5 thirty days from the date of the service of such order. In case
 6 of failure to comply therewith, such owner, agent or lessee shall
 7 forfeit to the people of the state ten dollars for each day after
 8 the expiration of such thirty days to be recovered by the com-
 9 missioner of labor.

10 2. In the case of a tenant factory,² the person or persons, com-
 11 pany or corporation operating the factory whether as owner or
 12 lessee of a part of the building in which same is situated, or
 13 otherwise, shall be charged with the duty of complying with the
 14 provisions of subdivision one hereof, and for non-compliance
 15 therewith shall be subject to the penalties therein specified.

16 3. In all cases when required by the commissioner of labor, the
 17 person or persons charged with the duty of complying with the
 18 requirements of this section shall file with the department of
 19 labor plans and specifications for the proposed ventilation of
 20 factory workrooms, which plans and specifications must be ap-
 21 proved by the commissioner of labor before any work is com-
 22 menced thereunder.

23 4. When means of ventilation have been provided in a work-
 24 room of any factory including a tenant factory, the person,

NOTE.—2. A tenant factory is defined by section 94 of the labor law as follows: "A tenant-factory within the meaning of the term as used in this chapter is a building, separate parts of which are occupied and used by different persons, companies or corporations, and one or more of which parts is so used as to constitute in law a factory."

1 *persons, company or corporation operating the factory whether as*
2 *owner or lessee of the whole or of a part of the building in which*
3 *same is situated, or otherwise, shall use such means so as to keep*
4 *the workroom properly and sufficiently ventilated and maintain*
5 *proper degrees of temperature and humidity therein at all times*
6 *during working hours, and in case of failure shall be guilty of a*
7 *misdemeanor.*

8 § 2. The provisions of subdivisions one, two and three hereof
9 shall apply only to factories in existence at the time this act
10 takes effect; the provisions of subdivision four shall apply to all
11 factories.

12 § 3. This act shall take effect October first, nineteen hundred
13 and thirteen.

PROPOSED BILL NO. 25B.

AN ACT

To amend the labor law, in relation to special ventilation so as to provide for the removal of dust, gases and other impurities and the reduction of excessive heat, in all factory workrooms.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article six of chapter thirty-six of the laws of
2 nineteen hundred and nine, entitled "An act relating to labor,
3 constituting chapter thirty-one of the consolidated laws," is hereby
4 amended by inserting after section eighty-six, a new section, to
5 be section eighty-six-a, and to read as follows:

6 § 86-a. Special ventilation in factory workrooms. If dust,
7 gases, fumes, vapors, fibers or other impurities are generated or

1 released in the course of the business carried on in any workroom
2 of a factory, in quantities that may be deemed injurious to the
3 health of the operatives, the person, persons, company or corpora-
4 tion operating the factory, whether as owner or lessee of the whole
5 or of a part of the building in which the same is situated, or
6 otherwise, shall provide suction devices that shall remove said
7 impurities from the workroom, at their point of origin where
8 practicable, by means of proper hoods connected to conduits and
9 exhaust fans of sufficient capacity to remove such impurities, and
10 such fans shall be kept running constantly while such impurities
11 are being generated or released. If, owing to the nature of the
12 manufacturing process carried on in a factory workroom, excess-
13 ive heat be created therein the person or persons operating the
14 factory as aforesaid shall provide, use and operate such special
15 means of ventilation as may be required to reduce such excessive
16 heat in accordance with rules and regulations that may be
17 adopted for that purpose by the advisory board to the department
18 of labor. If the special means of ventilation required by the
19 provisions of this chapter are not provided, the commissioner of
20 labor shall issue an order directing that such provision be made.
21 The person, persons or corporation operating the factory as
22 herein provided shall provide such special means of ventilation
23 within thirty days from the date of the service of such order, and
24 in case of failure shall forfeit to the people of the state ten
25 dollars for each day after the expiration of such thirty days to
26 be recovered by the commissioner of labor. Whenever required

1 by the commissioner of labor, the person or persons charged with
2 the duty of complying with the requirements of this section shall
3 file with the department of labor plans and specifications for
4 the proposed special ventilation of factory workrooms, which
5 plans and specifications must be approved by the commissioner of
6 labor before any work is commenced thereunder. If, when the
7 special means of ventilation required by this section are provided,
8 they are not used or operated in accordance with the require-
9 ments of this section, the person, persons or corporation operat-
10 ing the factory in which such special means of ventilation are
11 installed shall be guilty of a misdemeanor.

12 § 2. This act shall take effect October first, nineteen hundred
13 and thirteen.

NOTE.—For the present provisions of the labor law relating to the removal of dust, gases and fumes see section 86 contained in proposed bill No. 25a. Proposed bills 25a and b will, if approved by the Commission, be incorporated in one bill.

PROPOSED BILL NO. 26.

AN ACT

To amend the labor law, in relation to bakeries.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections one hundred and eleven, one hundred and
2 twelve and one hundred and thirteen of chapter thirty-six of the
3 laws of nineteen hundred and nine, entitled "An act relating to
4 labor, constituting chapter thirty-one of the consolidated laws," is
5 hereby amended to read as follows:

6 § 111. Definitions. All buildings, [or] rooms[,] or places
7 [except kitchens in hotels and private residences,] used or occu-
8 pied for the purpose of making, preparing or baking bread, bis-
9 cuits, pastry, cakes, doughnuts, crullers, noodles, macaroni or
10 spaghetti, to be sold or consumed on or off the premises, *except*

1 *kitchens in hotels and private residences wherein such products*
 2 *are prepared to be used and are used exclusively on the premises*
 3 shall for the purpose of this act be deemed bakeries. The commis-
 4 sioner of labor shall have the same powers with respect to the ma-
 5 chinery, safety devices and sanitary conditions in hotel bakeries
 6 that he has with respect thereto in bakeries as defined by this
 7 chapter. The term cellar when used in this article shall mean a
 8 room or part of a building which is more than one-half its
 9 height below the level of the curb or ground adjoining the build-
 10 ing (excluding areaways). The term owner as used in this article
 11 shall be construed to mean the owner or owners of the freehold of
 12 the premises, or the lessee or joint lessees of the whole thereof, or
 13 his, her or their agent in charge of the property. The term occu-
 14 pier shall be construed to mean the person, firm or corporation in
 15 actual possession of the premises, who either himself makes, pre-
 16 pares or bakes any of the articles mentioned in this section, or
 17 hires or employs others to do it for him. Bakeries are factories
 18 within the meaning of this chapter, and subject to all the pro-
 19 visions of article six hereof.

20 § 112. General requirements. All bakeries shall be provided
 21 with proper and sufficient drainage and with suitable sinks, sup-
 22 plied with clean running water, for the purpose of washing and
 23 keeping clean the utensils and apparatus used therein. All baker-
 24 ies shall be provided with *proper and adequate* windows, **[or]** and
 25 if deemed necessary by the commissioner of labor, with ventilating
 26 hoods and pipes over ovens and ashpits, or with other mechanical

1 means, to so ventilate same as to render harmless to the persons
 2 working therein, any steam, gases, vapors, dust, excessive heat or
 3 any impurities that may be generated or released by or in the pro-
 4 cess of making, preparing or baking in said bakeries. Every bakery
 5 shall be at least eight feet in height measured from the surface of
 6 the finished floor to the under side of the ceiling, and shall have a
 7 flooring of even, smooth cement, or of tiles laid in cement, or a
 8 wooden floor, so laid and constructed as to be free from cracks,
 9 holes and interstices, [except that any cellar or basement less than
 10 eight feet in height which was used for a bakery on the second day
 11 of May, eighteen hundred and ninety-five, need not be altered to
 12 conform to this provision with respect to height;] the side walls
 13 and ceiling shall be either plastered, ceiled or wainscoted. The
 14 furniture, troughs and utensils shall be so arranged and con-
 15 structed as not to prevent their cleaning or the cleaning of every
 16 part of the bakery. Every bakery shall be provided with a suffi-
 17 cient number of water-closets, and such water-closets shall be
 18 separate and apart from and unconnected with the bake room or
 19 rooms where food products are stored or sold.

20 § 113. Maintenance. All floors, walls, stairs, shelves, furni-
 21 ture, utensils, yards, areaways, plumbing, drains and sewers, in or
 22 in connection with bakeries, in bakery water-closets and wash-
 23 rooms, in rooms where raw materials are stored, and in rooms
 24 where the manufactured product is stored, shall at all times be
 25 kept in good repair, and maintained in a clean and sanitary con-
 26 dition, free from all kinds of vermin. All interior woodwork,

1 walls and ceilings shall be painted or limewashed once every three
 2 months, where so required by the commissioner of labor. Proper
 3 sanitary receptacles shall be provided and used for storing coal,
 4 ashes, refuse and garbage. Receptacles for refuse and garbage
 5 shall have their contents removed from bakeries daily and shall
 6 be maintained in a cleanly and sanitary condition at all times;
 7 the use of tobacco in any form in a bakery or room where raw
 8 materials or manufactured product of such bakery is stored is
 9 prohibited. No person shall sleep, or be permitted, allowed or
 10 suffered to sleep in a bakery, in a room where raw materials are
 11 stored, or in rooms where the manufactured product is stored or
 12 sold, and no domestic animals or birds, except cats, shall be al-
 13 lowed to remain in any such rooms. *Mechanical means of ventila-*
 14 *tion when provided shall at all times be effectively used and*
 15 *operated. Windows and other openings shall be provided with*
 16 *proper screens. All workmen and employees, while engaged in the*
 17 *manufacture and handling of bread shall wear slippers or shoes*
 18 *and a suit of washable material which shall be used for that pur-*
 19 *pose only and such garments shall be kept clean at all times. Lock-*
 20 *ers shall be provided for the street clothes of the employees.*

21 § 2. Such chapter is further amended by adding thereto a new
 22 section after section one hundred and thirteen, to be section one
 23 hundred and thirteen-a, to read as follows:

24 § 113-a. *Prohibited employment of diseased bakers. No per-*
 25 *son who has tuberculosis, scrofula, or venereal diseases or any*
 26 *loathsome skin disease shall work or be permitted to work in a*

1 *bakery. Whenever required by a medical inspector of the depart-*
2 *ment of labor, all persons employed in bakeries shall submit to a*
3 *physical examination by such inspector or shall obtain and present*
4 *to the medical inspector a certificate of a physician duly licensed to*
5 *practice medicine in the state, to the effect that a physical exam-*
6 *ination shows such employee to be free from any of the diseases*
7 *herein specified. No person who refuses to submit to such exam-*
8 *ination or who fails to obtain and present such physician's certifi-*
9 *cate shall work or be permitted to work in any bakery of the state.*

10 § 3. Section one hundred and fourteen of such chapter is
11 hereby amended to read as follows:

12 § 114. Inspection of bakeries. It shall be the duty of the
13 owner of a building wherein a bakery is located to comply with all
14 the provisions of section one hundred and twelve of this article,
15 and of the occupier to comply with all the provisions of section
16 one hundred and thirteen of this article, unless by the terms of a
17 valid lease the responsibility for compliance therewith has been
18 undertaken by the other party to the lease, and a duplicate original
19 lease, containing such obligation, shall have been previously filed
20 in the office of the commissioner of labor, in which event the party
21 assuming the responsibility shall be responsible for such com-
22 pliance. The commissioner of labor may, in his discretion, apply
23 any or all of the provisions of this article to a factory [located
24 in a cellar] wherein any food product is manufactured, provided
25 that basements or cellars used as confectionery or ice cream manu-

1 facturing shops shall not be required to conform to the requiremen
2 as to height of rooms. Such establishments shall be not less than
3 seven feet in height, except that any cellar or basement so used be-
4 fore October first, nineteen hundred and six, which is more than
5 six feet in height need not be altered to conform to this provision.
6 If on inspection the commissioner of labor find a bakery or any
7 part thereof to be so unclean, ill-drained, or ill-ventilated as to be
8 unsanitary, he may, after not less than forty-eight hours' notice in
9 writing, to be served by affixing the notice on the inside of the
10 main entrance door of said bakery, order the person found in
11 charge thereof immediately to cease operating it until it shall be
12 properly cleaned, drained or ventilated. If such bakery be there-
13 upon continued in operation or be thereafter operated before it be
14 properly cleaned, drained or ventilated, the commissioner of labor
15 may, after first making and filing in the public records of his
16 office a written order stating the reasons therefor, at once and
17 without further notice fasten up and seal the oven or other cook-
18 ing apparatus of said bakery, and affix to all materials, receptacles,
19 tools and instruments found therein, labels or conspicuous signs
20 bearing the word "unclean." No one but the commissioner of
21 labor shall remove any such seal, label or sign, and he may refuse
22 to remove it until such bakery be properly cleaned, drained or
23 ventilated.

24 § 4. Such chapter is further amended by adding thereto after
25 section one hundred and fourteen, two new sections, to be sections

1 one hundred and fourteen-a and one hundred and fifteen, to read
2 as follows:

3 § 114-a. *Licensing of bakeries; prohibition of future cellar*
4 *bakeries.* 1. *No person, firm or corporation shall establish, main-*
5 *tain or operate a bakery without obtaining a license therefor from*
6 *the department of labor. Application for such license shall be*
7 *made to the commissioner of labor by the occupier of the bakery or*
8 *by the person, firm or corporation desiring to establish or conduct*
9 *such bakery. The application for a license shall be made in such*
10 *form and shall contain such information as the commissioner of*
11 *labor may require. Blank applications for such license shall be*
12 *prepared and furnished by the commissioner of labor.*

13 2. *Upon the receipt of such application for a license, the com-*
14 *missioner of labor shall cause an inspection to be made of the build-*
15 *ing, room or place described in the application. If the bakery con-*
16 *forms to the provisions of articles six and eight of this chapter and*
17 *the rules and regulations that have been adopted thereunder, the*
18 *commissioner of labor shall issue a license for such bakery. Such*
19 *license shall be for a period of one year and shall be renewed an-*
20 *nually by the commissioner of labor if upon a reinspection of the*
21 *bakery it is found to comply with the provisions of articles six and*
22 *eight of this chapter and the rules and regulations adopted there-*
23 *under as aforesaid. Every license granted under the provisions of*
24 *this chapter shall be posted in a conspicuous place in the bakery*
25 *for which such license is issued.*

26 3. *Such license may be revoked at any time by the commissioner*
27 *of labor if the health of the community or of the employees of the*

1 *bakery require such action, or if an order of the department issued*
2 *under the provisions of this chapter be not complied with within*
3 *fifteen days after the service thereof upon the person, firm or cor-*
4 *poration charged with the duty of complying with such order. The*
5 *time for such compliance may be extended by the commissioner of*
6 *labor for good cause shown but a statement of the reasons for such*
7 *extension shall be filed in the office of the department of labor as*
8 *part of the public records thereof. Nothing contained in this sub-*
9 *division shall be construed to limit in any way the power of the*
10 *commissioner of labor to seal up an unsanitary bakery as provided*
11 *in section one hundred and fourteen of this chapter.*

12 4. *If an application for a license be denied or if such license*
13 *after it has been issued be revoked by the commissioner of labor,*
14 *he shall file in the office of the department of labor as part of the*
15 *public records thereof, a statement in writing setting forth in de-*
16 *tail the reasons for such denial or revocation.*

17 5. *Applications for licenses for existing bakeries shall be made*
18 *within sixty days after this act takes effect and no such bakery*
19 *shall be conducted or operated without a license from the depart-*
20 *ment of labor after the first day of October, nineteen hundred and*
21 *thirteen. In the case of bakeries hereafter established, the appli-*
22 *cation for a license shall be made within ten days after such bakery*
23 *has commenced doing business, and no such bakery shall be con-*
24 *ducted or operated without a license for more than thirty days*
25 *after it has started business as aforesaid.*

1 6. No bakery shall hereafter be located in a cellar and a license
2 shall not be issued for any bakery so located. This prohibition
3 shall not apply to a cellar used and operated as a bakery on the
4 fifteenth day of November, nineteen hundred and twelve, or that
5 was so used or operated at any time within six months prior
6 thereto. No such cellar shall be entitled to such exemption unless
7 satisfactory proof of its use as a bakery as herein specified be fur-
8 nished to the commissioner of labor in such form as he may re-
9 quire within six months after this act shall take effect. Upon re-
10 ceipt of such proof the commissioner of labor shall issue a certifi-
11 cate of exemption.

12 7. If a bakery be not licensed as herein required or if such li-
13 cense after it has been issued be revoked, the commissioner of labor
14 shall, after first making and filing in the public records of his office
15 a written order stating the reasons therefor, at once and without
16 further notice fasten up and seal the oven or other cooking ap-
17 paratus of said bakery. No one but the commissioner of labor
18 shall remove any such seal, and he shall not remove same until
19 such bakery be properly licensed.

20 8. The provisions of this section shall not apply to kitchens in
21 hotels, restaurants, boarding houses or private residences, the prod-
22 ucts of which are prepared to be used and are used exclusively on
23 the premises.

24 § 115. Sanitary code for bakeries. The advisory board to the
25 department of labor may, pursuant to the provisions of this chap-

1 *ter, adopt and from time to time change or modify rules and regu-*
2 *lations to be known as the sanitary code for bakeries which shall*
3 *prescribe the requirements for the lighting and ventilation of the*
4 *bake shops, for the cleanliness of their equipment and of the wear-*
5 *ing apparel of the persons employed therein and generally for the*
6 *proper sanitation of all bakeries and the protection of the food*
7 *product prepared therein from any contamination.*

8 § 5. This act shall take effect immediately.

NOTE.—In connection with the proposed bill the following should be considered:

1. Should the board of health be given sole and exclusive jurisdiction over the sanitary conditions in bakeries in New York City?

2. Should a sanitary certificate from the department of labor instead of a license be required?

INDEX TO TESTIMONY.

(See, also, List of Hearings; List of Tentative Bills, and Index to Witnesses.)

	PAGE
Accidents in chemical industries.....	701
Accident prevention (see, also, Elevators).....	1141
Industrial board to make rules for.....	1142
Safeguarding of belting.....	2024, 2027, 2047
Safeguarding of machinery.....	2166
Automatic sprinklers	450, 593, 604, 1381, 1406, 1423, 1429, 1443, 1467, 1480, 1734
Additional occupancy allowance for.....	554, 1472
Number of systems.....	1499
Regulation by Board of Fire Underwriters.....	1384, 1397
Bakeries, conditions in, Buffalo.....	1789
Conditions in, New York city.....	1336
Conditions in, Syracuse.....	2123
Conditions in, Yonkers.....	729
Health of bakers.....	1328
Jurisdiction of health department in New York city....	1246, 1263, 1271, 1277, 1305, 1343
Physical examination of bakers.....	730, 1105, 2124
Prohibited employment of diseased bakers.....	1249, 1265, 1303, 1345
Prohibition of new cellar bakeries.....	729, 1104, 1251, 1267, 1272, 1277, 1282, 1291, 1307, 1347, 1729, 2123, 2129
Sanitary certificates for.....	1248, 1263, 1304, 1345, 2127
Candy industry, exemption from Fifty-four Hour Law.....	1812
Canneries — beans, canning of.....	242
Conditions of labor.....	961
Corn, canning of.....	251
Diary of Miss Chamberlain on working conditions.....	1003
Exemption for	1039
Health, effect of overtime on.....	1962
Hours of women.....	243, 269, 276, 297, 315, 964, 971, 974, 999, 1052, 1791, 1926, 1948, 1953
Laws in other States governing.....	1024, 1032
Moral conditions in.....	1004, 1916
Overtime, necessity for.....	326
Overtime on labeling.....	262
Peas, canning of.....	247
Prevention of excessive hours.....	960
Sanitary conditions in.....	989, 1950
Season in	963
Women's work generally.....	238

	PAGE
Chemical industries — ventilation in.....	644
Washing facilities in.....	646
Seven day labor in.....	647
Child labor. (See, also, Child Labor in Canneries; Child Labor in Mercantile Establishments, and Manufacturing in Tenements.)	
Physical examination of children in factories.....	1719, 1722, 1782
Child Labor Law — procedure for violation.....	2120
Child labor in canneries.....	115, 240, 946, 950, 1001, 1028, 1044, 1790
Ages of children in sheds.....	947
Attorney-General's opinion — shed not a factory.....	283
Bean snipping	237
Children forced to work....	424, 949, 1007, 1013, 1913, 1929, 1933, 1945
Health of young children workers, effect on.....	1962
Hours of children workers.....	949, 957, 999, 1914
Little Jack (child worker, cannery shed, Albion).....	1006
Prosecutions ..	118
Sheds, lighting, location, machinery.....	947
Sheds, work in.....	236, 283, 286, 948
School attendance, effect of work in sheds on.....	1010
Child labor in mercantile establishments.....	1151
Children's court, extension of jurisdiction of....	1696, 1698, 1701, 1705, 1716
Civil service for Labor Department employees.....	1166, 1210
Commissioner of Labor, salary of.....	1128, 1139, 1216, 1366, 2034
Corerrooms in foundries — employment of women in (see, also, Wages) ..	
824, 834, 854, 861, 906, 924, 933, 1786,	
1802, 1808, 1871, 2063, 2094, 2110	
Resolutions of International Moulders' Union of North America....	819
Cuttings and waste materials, removal of.....	1114, 1121, 2186
Dangerous trades	1146, 1908
Department stores, fines in.....	503, 520, 529
Hours of work in.....	941, 1158
Overtime in.....	495, 497, 499, 508, 518
Wages of women in.....	502, 512, 534 941
Dressing rooms	2169
Dust creating industries.....	706
Mortality from consumption in.....	662, 676
Elevators, safeguarding of.....	1768, 1858
Factory, Definition of	24
Factory inspections, forms of, cards used in.....	27
Fifty-four Hour Law (see, also, Candy Industry and Canneries) ...	480,
1639, 1654, 2033	
Procedure for violation of.....	2119
Fire hazard in factories (see, also, Automatic Sprinklers; Cuttings; Smoking; Stairways, and Wired Glass.).....	463, 549, 589,
1380, 2000, 2003	
Fire alarm signal systems.....	568, 881, 1115, 1418, 1851,
2030, 2054, 2075, 2140, 2178	
Systems to fire headquarters.....	1497
Fire drills	543, 587, 1406, 1464, 2077, 2143, 2186, 2195
As occupancy tests.....	469
Three-minute test	571

	PAGE
Fire escapes, outside.....	573, 617, 1412, 1490, 2147
Exit from foot of	551
Fireproof buildings, danger to life in.....	1441
Shelters for rubbish and waste materials.....	544
Fire walls	465, 577, 1407, 1490
Pierced	591
Fire insurance, over-insurance in.....	1432
Regulation of, by State.....	1405
Fire prevention bureau, work of.....	609
Fire Prevention Law, board of survey under.....	451, 623
Foundries. (See, also, Corerrooms, Employment of Women in.)	
Castings, cleaning of, in separate rooms..	69, 74, 815, 840, 852, 858, 898, 909, 932, 1829, 2090, 2102, 2105
Gangways, obstruction of.....	897
Letters in relation to foundry bill.....	793
Passageways to outside waterclosets.....	884, 892, 2092
Salamanders in	1837
Smoke, steam and gases, removal of.....	886, 897, 2083
Washrooms in	2101
Groceries, closing hour for.....	2012
Height of factory buildings, limitation of.....	1440, 1489
Homework. (See Manufacturing in Tenements.)	
Hours of women. (See Canneries and Department Stores.)	
Incendiary fires	1385
Industrial board (also referred to as advisory board)...	614, 1144, 1212, 1215, 1227, 1379, 2025, 2039, 2042, 2046, 2068, 2196
Industrial hygiene, division of.....	1146, 1375
Industries and Immigration, Bureau of.....	109
Inspectors, factory (see, also, Pensions), increase in number of.....	1238
Salaries of	9, 124
Women as	1223, 1373
Labor Department	1127
Commission versus commissioner at the head of.....	1138, 1166, 1179, 1212, 1216, 1223
Inspection districts	1140, 1369
Offices of	1184
Organization of	4
Reorganization of	1127, 1366
Lead poisoning	652, 664
Light and illumination in factories.....	1635
Limitation of occupants in factory buildings..	553, 578, 582, 1116, 1419, 1995, 2132, 2153, 2187, 2198
Little Falls, conditions in tenements.....	203
Manufacturing in homes.....	205
Manufacturing in tenements (see, also, Tuberculosis).....	1507
Children at work in..	35, 1513, 1530, 1546, 1548, 1559, 1563, 1566, 2220
Cigarettes	1527
Clothing	1968, 1984, 1993
Diseases in	1520, 1544, 1549, 1564, 1576, 1592, 1596, 1624, 2208

Manufacturing in tenements — <i>Continued</i> :	PAGE
Hours of women's work in.....	1522, 1602
Licensing system.....	1537, 1761
Neckwear	2202
Nut picking	1538, 1590
Prohibition of	1512, 1517, 1520, 1525, 1529, 1533, 1535, 1552, 1561, 1567, 1573, 1581, 1599, 1978, 1987, 1993, 2202, 2210
Regulation of	1507, 1512
Sanitary condition in	1531
School attendance, effect on.....	1563, 1610, 1627
Subcontracting in	1523, 1616, 1985
Subcontractor's profits in.....	1602
Supervision over, by manufacturers.....	1515, 1525, 1528
Wages in	1508, 1510, 1519, 1555, 1578, 1600, 1615, 2204
Mercantile establishment (see, also, Department Stores).....	1162
Extension of jurisdiction of Labor Department over, to cities of the second class.....	1718
Fire hazard in	1162
Hours of labor	1164
Sanitary conditions	1163
Mercantile inspection	1149
Suggestions for improvement of.....	1236
Mercantile law, recommendations for amendments to.....	1242
Mercurial poisoning	722
Mediation and Arbitration, Bureau of.....	1133
Organization of, functions, suggestions for improvement of...	1185, 1203
Mediation and arbitration, New Zealand method.....	1220
Special boards	1189
Medical inspectors	1782
Night work of women in factories.....	128, 482
In International Harvester Co. plant, Auburn.....	366, 371
In textile mills, Utica.....	2159
Prohibition of — grounds for.....	1649, 1658
One day rest in seven.....	1349, 1714
In department stores	1357
Pensions for inspectors	16, 1234
Pneumatic air hammers.....	1882
Remodification of Labor Law.....	2169
Revolving doors	1492
Rochester, investigation of conditions in factories by Chamber of Com- merce	1966
Seats for women.....	539, 546, 1785
In canneries	263
In department stores.....	496, 524
In mercantile establishments.....	1240
Smoking in factories.....	539, 1733, 1991, 2044, 2048, 2053, 2136
Stairways, fireproof enclosure of.....	597, 879, 1078, 1087, 1123, 2022, 2035, 2057, 2079, 2152, 2172, 2176
Statistics, Bureau of, Department of Labor — organization of, duties, recommendations for changes in.....	1174

	PAGE
Sugar refineries, fire drills in.....	777
Temperature in	776
Ventilation in	724
Time books, in canneries, falsification of.....	317, 970
Triangle Waist Co. fire—conditions in New York city since.....	564
Tuberculosis, extent of, in the United States.....	1505
Effect of homework on.....	1504
Mortality from, in Niagara Falls.....	663
Mortality from, in Yonkers.....	770
Ventilation ..	138, 1101, 2218
In dust creating factories, Niagara Falls.....	662
Wages of women, in candy industry.....	1821
In canneries	972
In department stores.....	502, 512, 534, 941
Of coremakers	827, 921
Watercloset facilities.....	2010, 2217
Welfare work	156
Widows, resorting to homework.....	1671
Wired glass, use of, in partitions.....	470
Wood alcohol, report on.....	1582

